

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, Tuesday, February 17, 2015
Regular Meeting: 6:00 P.M.
PROPOSED EXECUTIVE/CLOSED SESSION 6:00-7:00 P.M.
VILLAGE JUSTICE COURTROOM
350 North Main Street
Port Chester, New York
AGENDA**

TIME: 6:00 P.M. to 7:00 P.M.

I	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Property Condition Assessment and Neighborhood Revitalization Strategies report – candidate interviews.	
2	Consultation with Village Attorney regarding the career fire fighters.	

TIME: 7:00 P.M.

II	AWARD PRESENTATION	ACTION
1	Distinguished Budget Award	
III	WORK SESSION	ACTION
	William J. Villanova - Zoning Commission Chairman.	
IV	PUBLIC COMMENTS	ACTION
V	RESOLUTIONS	ACTION
	Administration	
1	Adoption of comment on the Draft Generic Environmental Impact Statement with regard to the proposed action of PC406 BPR, LLC and PC 999 High Street Corp.	
2	Revocable license agreement to accommodate material lift elevator and vault for the Capitol Theatre.	
3	Revocable license agreement to accommodate storm water run-off lines, etc. For new restaurant/bar at 126 North Main Street.	
	Parks / Recreation	ACTION
4	Authorize the Village Manager to enter into an agreement with South East Consortium for Special Services, Inc. to provide services for the disabled in our community.	
VI	REPORT OF THE VILLAGE MANAGER	ACTION
VII	REPORT OF THE POLICE CHIEF	ACTION
VIII	REPORT OF THE BUILDING INSPECTOR	ACTION

IX	DISCUSSIONS	ACTION
1	Joseph Gianfrancesco from the Traffic Commission regarding safety issues on College Avenue	
2	Additional municipal parking spaces – as requested by Trustee Adams	
3	Tax Certioraris	
4	Schedule a Work Session Year to Date Financials	
5	Schedule a joint meeting of the BOT and IDA regarding Retail D / G & S.	
6	Participate with Westchester County regarding New York State Tax Freeze Resolution	
X	CORRESPONDENCE	ACTION
1	From Clay Art Center respectfully requests use of the Beech Street municipal parking lot in front of the Clay Art Center building for this community event and the rental of Showmobile.	
2	From Westchester County Leadership Prayer Breakfast regarding the nomination of Village Manager Christopher Steers as a new committee member.	
3	From Robert P. Casey, Jr. and Roger Wicker United States Senators inviting Village Manager Christopher Steers to the 63 rd Annual National Prayer Breakfast in Washington, D.C.	
4	From Robert P. Casey, Jr. and Roger Wicker United States Senators inviting Village Treasure Leonie Douglas to the 63 rd Annual National Prayer Breakfast in Washington, D.C.	
5	From Harry Howard Hook & Ladder Co. No. 1 on the expulsion of Frank DiLeo.	
6	From Harry Howard Hook & Ladder Co., No. 1 on the resignations of: A) Marcos E. deMelo B) Timothy G. Hannigan C) Vincent R. Lyons	
7	From Washington Engine & Hose Co. No. 4 on the resignations of: A) John Pagni B) James Smith and Peter J Zeale	
8	From Putnam Engine & Hose Co. No. 2 on the reinstatement of Eugene Sciavillo.	
9	From Fire Patrol & Rescue Co. #1 on the election of Ryan Powers.	
10	From Joseph Gianfrancesco and the Traffic Commission regarding safety at Fire Headquarters on Westchester Avenue	
XI	MINUTES	ACTION
1	Minutes from December 15, 2014	
2	Minutes from January 5, 2015	
3	Minutes from January 7, 2015	
4	Minutes from January 12, 2015	

XII	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

XIII	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Port Chester Youth Baseball League (PCYBL) - Renewal Agreement.	

TIME: _____

**PROPOSED MOTION
FOR
EXECUTIVE SESSION**

AWARD PRESENTATION

WORK SESSION

PUBLIC COMMENTS

RESOLUTIONS



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Choose a Department

Village BOT Meeting Date: February 17, 2015

Item Type: Resolution

Description	Yes	No	Description	Yes	No
Fiscal Impact		X	Public Hearing Required		X
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
			Business & Economic Development		
Agreement		X	Manager Priorities		
			Planning and Zoning		
Strategic Plan Related	X		Choose a Manager Priority		

Sponsor's Name: Christopher N. Gomez, Director of Planning & Development

Heading Title
(Will appear as indicated below on Agenda)

ADOPTION OF COMMENT ON THE DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT WITH REGARD TO THE PROPOSED ACTION OF PC406 BPR, LLC and PC 999 HIGH STREET CORP.

Summary

Background:

A resolution has been provided for the Board as Lead Agency in the SEQRA process to officially adopt “completeness” comments regarding the December 31, 2014 preliminary Draft Environmental Impact Statement (DEIS) submitted by the applicant, PC406 BPR, LLC and PC 999 High Street Corp. for the redevelopment of the former United Hospital site. “Completeness” refers to the document’s compliance with the Board’s August 18, 2014 adopted scope of study for the project.

Note that the completeness comments have been separated into Exhibit A: comments from the Village's consultant team in a memorandum dated January 28, 2015 and Exhibit B: a compilation of Trustee comments submitted to the village planning director in a memorandum dated February 11, 2015. Both documents may be officially adopted for distribution to the applicant at the February 17, 2015 meeting.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Resolution Village Consultant Memo – Appendix A Planning Director Memo –Appendix B

**ADOPTION OF COMMENT ON THE DRAFT GENERIC ENVIRONMENTAL
IMPACT STATEMENT WITH REGARD TO THE PROPOSED ACTION OF PC406
BPR, LLC and PC 999 HIGH STREET CORP.**

On motion of TRUSTEE _____ seconded by TRUSTEE _____, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, on April 21, 2014, the Board of Trustees (herein referred to as “Village Board”) adopted a resolution accepting the petition of PC406 BPR, LLC and PC 999 High Street Corp. (together, the “Applicant”) for consideration of proposed zoning text and map amendments to the Village Code, Chapter 345 relating to a proposed Southern Gateway Mixed Use Overlay District or, in the alternative, to a text amendment modifying Article XI of the existing Zoning Regulation, Section 345-62; and

WHEREAS, the Applicant seeks to develop 406-408 Boston Post Road and 999 High Street for a mixed multi-family residential and commercial use development, consisting of 500 dwelling units designed to appeal to “Millennial” or young, childless working professionals, together with 230 age-restricted dwelling units, as well as 90,000 square feet of retail space, an approximately 138-room hotel and between 100,000 and 200,000 square feet of market-based office space geared towards accommodating wellness and out-patient medical uses (the “Proposed Action”); and

WHEREAS, the Village Board is the designated Lead Agency under the State Environmental Quality Review (SEQR) Act of the State of New York; and

WHEREAS, the Village Board determined that the Proposed Action is a Type I Action pursuant to the SEQR and the regulations at 6 NYCRR Part 617 and issued a Positive Declaration that the Proposed Action may have a significant impact on the environmental, and required the Applicant to prepare an Environmental Impact Statement (EIS); and

WHEREAS, the Applicant had submitted a proposed Scoping Outline for the Draft EIS (DEIS), which was circulated for public review and comment and was the subject of a public scoping session; and

WHEREAS, the Village Board adopted a Final Draft EIS Scoping Outline on August 18, 2014; and

WHEREAS, the Applicant submitted a preliminary DEIS (pDEIS) on December 31, 2014 to the Village Clerk; and

WHEREAS, the Village Board's independent consultants retained, inter alia, to review the pDEIS have provided the Village Board with a Completeness Review Memorandum, dated January 28, 2015, and annexed hereto as Exhibit A; and

WHEREAS, the Village Board has carefully considered the Completeness Review Memorandum; and

WHEREAS, members of the Village Board have comments on the pDEIS in addition to those set forth in the Completeness Review Memorandum, some of which are included in the Memorandum from the Village Planning Director, dated February 11, 2015 annexed hereto as Exhibit B, and others of which may be articulated at the Village Board public meeting of February 17, 2015.

NOW THEREFORE BE IT RESOLVED THAT,

1. The Village Board hereby adopts the January 28, 2015 Completeness Review Memorandum annexed hereto as Exhibit A.
2. The Village Board hereby adopts the February 11, 2015, Memorandum setting forth comments of certain Board members on the pDEIS annexed hereto as Exhibit B.
3. The Village Board hereby adopts and incorporates herein by reference additional comments made by members of the Village Board on the pDEIS at the February 17, 2015 public meeting that were accepted by the Board.

Approved as to form:

Anthony M. Cerreto, Village Attorney



Environmental and Planning Consultants

34 South Broadway
Suite 401
White Plains, NY 10601
tel: 914 949-7336
fax: 914 949-7559
www.akrf.com

Memorandum

To: Christopher Gomez, AICP; Jessica Youngblood; Tony Cerreto
From: Peter Feroe, AICP; Nina Peek, AICP; Mark Chertok; Dolph Rotfeld, P.E., BCCE; Bernard Adler, P.E.; Michael P. O'Rourke, P.E., PTOE
Date: January 28, 2015
Re: Starwood pDEIS (v. 12/31/2014) Review

AKRF, Inc. and Sive, Paget & Riesel (SPR) have reviewed the Preliminary Draft Environmental Impact Statement (pDEIS) for the United Hospital Redevelopment, which was delivered to the Village on December 31, 2014. The pDEIS was submitted to the Village Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA), for a 'completeness review'.

The purpose of this completeness review is to determine whether the pDEIS generally addresses those items identified in the Scoping Outline adopted by the Village Board on August 19, 2014 and whether the pDEIS is adequate with respect to its content for the purpose of commencing public review. To determine that the DEIS is complete, the Board must find that the facts in the DEIS are accurate and clearly described, and that appropriate methodologies are used to conduct the relevant technical analyses. A determination of completeness does not mean that the Board necessarily concurs with the analyses presented in the DEIS. Areas of disagreement, or differences in interpretation of technical issues, will be addressed in the public comment period on the DEIS. The public comment period starts upon a determination by the Village Board that the DEIS is complete.

In addition to AKRF's and SPR's review, two other technical consultants for the Village reviewed portions of the pDEIS and provided their comments to AKRF. Adler Consulting reviewed the Traffic and Transportation sections of the pDEIS. Dolph Rotfeld Engineering reviewed the engineering, stormwater, and utilities sections and provided some comments regarding the solid waste and construction sections of the pDEIS. AKRF has incorporated the comments from the Village's other consultants into this review memo, which presents all of the comments from each of the Village's consultants.

The comments are organized by DEIS Chapter. Also included are those comments that are more substantive in nature, but which are generally appropriate to address at this stage of the SEQRA process. Finally, the end of each section contains, where necessary, a list of those formatting or typographical comments that should be addressed. Where applicable, DEIS Chapter, Section, Exhibit, or Page numbers are included at the beginning of each comment.

As you are aware, AKRF's and SPR's preliminary comments related to the Project Description, Land Use & Zoning (partial), the Overlay District, and Alternatives were submitted to the Village on January 22,

2015. The Village distributed those comments to the Applicant on the same day. These preliminary comments are repeated below and minor modifications and additions are included. Therefore, this memo contains the entirety of our completeness comments. Comments and sections that are double underlined have not yet been presented to the Village or Applicant.

We remain available to discuss these comments with you, your staff, and the Applicant.

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GENERAL COMMENTS

OVERVIEW

1. It is our understanding that the Applicant delivered the pDEIS to the Village on December 31, 2014 with the expectation that the Village, and its consultants, would review the document for completeness. This is not a progress draft, but rather the Applicant's official DEIS submission. Therefore, the footer stating that the Applicant reserves the right to make additional revisions prior to acceptance should be removed.
2. The Proposed Action, the Proposed Project, and the Project Site need to be more clearly defined and described. Careful attention needs to be paid to the terms used to define the building and development program (Proposed Project) that is being proposed on the former United Hospital Site (Project Site) and additional actions, including the proposed zoning changes (Proposed Action) that are the subject of this DEIS. These terms need to be clearly defined and consistently and carefully applied throughout the document. Other terms, such as 'project proposal' or 'proposed development', should be avoided. The reader must be able to clearly understand what impacts are a result of the building program or the zoning action and what impacts are likely to occur on the United Hospital site and elsewhere in the Village.
3. When referencing an Exhibit, Figure or Table, include both the Exhibit/Figure/Table number and the name of the Exhibit/Figure/Table, i.e. Exhibit I-1, Land Use. Avoid simply referring to, "the table below" without the table number and title.
4. The DEIS is a technical document – detailing specific factual environmental impacts and mitigation. Use of promotional or marketing language and images, if necessary for an understanding of the proposal, may be provided in an Appendix to the document, but should be removed from the body of the DEIS. However, the pDEIS contains too much material that sounds like a promotion for the proposal, rather than a factual description. If, in isolated circumstances, the Applicant would like to clarify their position on a non-factual component of the description, the text should clearly state when a statement is the opinion of the Applicant. Generally, the benefits of the Proposed Action are often in the opinion of the Applicant. For example, the third sentence of Section I.B should read, "In the Applicant's opinion, this development represents the highest and best use..." These revisions should be made throughout the DEIS. Similarly, the position that the traffic mitigation goes beyond the norm should be stated as the Applicant's opinion.
5. The use of the following, generally undefined terms, is confusing and seems directed more toward a marketing/promotional brochure. It also seems as though the "Empty Nester", "Senior Residential" and "55+ Boomer" units all refer to the age-restricted units. We recommend that these units be consistently referred to as "age-restricted" units. Additionally, it appears as though the remaining units are non-age-restricted studios/1 and 2BR units and should be referred to as such. Additional minimal text may be added to clarify that the Applicant intends to market these units to "young childless working professionals" – and the development will not provide amenities that would appeal to families with children. However, the Applicant cannot directly restrict the occupancy of these units.
6. The pDEIS should avoid referring to proposed plans as if they have already been completed, such as, "the Applicant created a new traffic circulation pattern" on page III.E.1. Phrases such as these should be changed to, "the Applicant has proposed a new traffic circulation pattern."
7. There is no consistent application of mitigation. In some cases, the mitigation is compliance with legal requirements (e.g., building height consistent with zoning) and, in other cases, it is a standard design element of the development. There should be a consistent approach to mitigation.

FORMATTING AND TYPOGRAPHICAL

8. The entire document should be reviewed for use of two pronouns in one sentence – or the use of a pronoun that refers back to a subject in the previous sentence. It is confusing to the reader to determine to what subject the pronoun refers.
9. Review the use of “which” and “that” and confirm proper punctuation.
10. The DEIS (cover letter) should be addressed to the Lead Agency, as it is the one responsible for reviewing the DEIS.
11. The outside cover and both inside covers should identify the document as a 'Preliminary' Draft Environmental Impact Statement.
12. On both inside covers, include the contact information for the Village Clerk, as included in the Scope.
13. On the second inside cover, change "Submission Date:" to "pDEIS Submission Date".
14. As required by the scope, add an e-mail address for the Project Sponsor’s contact person.
15. On the outside and inside covers, change the term "Prepared for:" to "Applicant" or "Project Sponsor".
16. As required by the Scope, add the following list of consultants assisting the Village with the review of the DEIS:
 - AKRF, Inc.
34 South Broadway
White Plains, NY 10601

 - Adler Consulting
235 Main Street, Suite 400
White Plains, NY 10601

 - Dolph Rotfeld Engineering, P.C.
200 White Plains Road, #3
Tarrytown, NY 10591

 - Sive, Paget & Riesel, P.C.
460 Park Avenue, 10th Floor
New York, NY 10022
17. Provide divider tabs between Chapters to facilitate easy navigation of the document in its printed version.
18. When lengthy passages from other documents are repeated in the DEIS (i.e., Comprehensive Plan, Findings Statement), indent and italicize the quoted text, or otherwise distinguish from the DEIS text. This occurs primarily in Chapters II and III.A.
19. Within the list of the Applicant's consultants in the front matter, the heading for "Site Surveying" is blank.
20. In the Table of Contents, the page number for the "Historic and Cultural Resources" chapter appears to be incorrect. Also, this Chapter's entry does not include any subheadings.
21. When the document is printed, ensure that pages of text are printed double-sided.

EXECUTIVE SUMMARY (CHAPTER I)

OVERVIEW

1. Text and exhibits within the Executive Summary should be updated based upon the revisions made to the corresponding text within the balance of the pDEIS. This includes changes to the Project Description, the technical analyses of the Proposed Project, the analyses of the Overlay District, and the analyses of the Alternatives.

COMPLETENESS

2. [I-1] The first paragraph of the Executive Summary should state that the DEIS was prepared according to the Scoping Outline adopted by the Lead Agency. (Note, the Mayor is not the Lead Agency.)
3. [I-1] The Proposed Project and the Proposed Action, including both options for the Proposed Action, need to be described more completely in this Chapter. In addition, the relationship between the Proposed Project and Proposed Action should be clearly defined. (See comments on the Project Description for more detail.)
4. [I-1] Table I-1, Approvals and Permits Required, should be revised so that every Action is listed and each Involved Agency is listed on a separate row. Each agency should be listed in the left hand column, while the list of approvals and/or permits required should be on the right hand column. Providing header rows for Village, Regional, State, and Other agencies is appropriate. Also, the Industrial Development Agency should be added as an Involved Agency and adjacent municipalities, not already identified as Involved Agencies, should be added as Interested Agencies. The Planning Commission should be identified as an Involved Agency as it needs to grant approval of a special exemption use for the medical office. Finally, the Village's MS4 approval for the Site's stormwater should be listed.
5. [I-5] The Executive Summary indicates that the Applicant is willing to negotiate the PILOT; that is not appropriate for an EIS.
6. [I-6] The Executive Summary indicates that the Village considered the Overlay Zone as an option in preliminary discussions with the Applicant. This could be misread to suggest some Village pre-approval of the Overlay Zone, which is incorrect, and is not necessary. In this respect, the Project Sponsor's application invoked the Overlay Zone.
7. [I-6] There is no discussion of the potential environmental impacts of the Overlay District option of the Proposed Action in the Executive Summary.
8. [I-6] Specific potential construction impacts of the Proposed Project should be described in Section I.D.11, not simply typical construction-related impacts.
9. [I-6] The discussion of the Overlay District option of the Proposed Action within the Executive Summary should briefly state why the Kohl's site is the only site on which the Applicant believes that development under the proposed Overlay District could occur.

FORMATTING AND TYPOGRAPHICAL

10. It is noted that the page numbers for the Executive Summary begin with "E-#" and end with "I-#".

PROJECT DESCRIPTION (CHAPTER II)

OVERVIEW

1. To provide the reader with a clear understanding of the Proposed Project and Proposed Action, as well as to place the DEIS in the appropriate context within SEQRA, we recommend that Chapter II be re-organized as follows:

Introduction – First, this section should identify the main components of the Proposed Project, including its location and principal development components. Second, the section should identify all of the components of the Proposed Action, including a brief description of the need for the Proposed Action and explain that the DEIS will analyze two possible zoning approaches to effectuate the Proposed Project. Third, include text placing the DEIS in the proper SEQRA context, including text stating that it was prepared in accordance with the requirements of SEQRA and in response to an adopted scope (include the date of formal scope adoption by the Village Board).

Purpose and Need - In addition to the purpose and need, this section should include details on the Project Sponsor. The current Section II.H also appears to be better placed within the Purpose and Need section.

Project Site - As required by the Adopted Scope, this section should include the location of the Project Site, a description of the Project Site's background and character, a description of the Site's existing character, an inventory of the structures on the site, and a description of the surrounding land uses and zoning districts.

Proposed Project - This section should include details of the Proposed Project's building program, building dimensions, circulation, etc. The elements required to be described are listed in Section II.F of the adopted Scope. This section should also include a general description of the utilities and stormwater management and construction schedule. Finally, it should state that the environmental impacts of the Proposed Project are evaluated in Chapters III.A - III.K for the build year of the Project.

Proposed Action - This section should identify and describe in detail, all the components of the Proposed Action including: site plan, subdivision, special permits, and the two possible options for zone text/map amendment and any other actions that are necessary to effectuate the Proposed Project. Both zoning options should be clearly and separately described, including in the case of the Overlay, the use of maps. Text should be provided to indicate whether or not the Proposed Project represents the full, or reasonable, build-out of the Project Site under both zoning options, and the basis therefor. If the Proposed Project does represent the full, or reasonable, build-out of the Project Site, then in the case of the PMU, it should be clearly articulated that the environmental impacts of the proposed amendments to the PMU zoning district are identical to those of the Proposed Project. Therefore, the environmental impacts of the amendments to the PMU zoning district are evaluated in Chapters III.A - III.K. Similarly, it must be articulated that the environmental impacts of the proposed Southern Gateway Mixed Use Overlay District are *evaluated separately in Chapter III.L*. (We also note that it's not clear why certain chapters of the pDEIS appear to discuss the Overlay and some do not.) Further, it should be stated that the analysis of the Overlay District option assumes the full build out of the Project Site as a no-build condition, and then analyzes the impacts of a reasonable build-out of other sites within the overlay district within a 10-year timeframe as required by the Scope.

2. The language in the numbered items (1-12) in the current "Introduction and Project Background" beginning on page II-1 is almost entirely subjective. Given the suggested reorganization, we recommend that this entire section be relocated to the Appendix. Alternatively, if this text is to remain in some fashion, it should be revised to present only objective and factual statements describing the Proposed Project and Proposed Action.

3. Names/titles of the Exhibits/Figures should be revised to eliminate subjective labels (including but not limited to: “II-7 Key to Success...”, “II-9 Ensures Vitality”, “II-10 Focused Housing Options”, “II-14 Dispersed Parking”, “11-15 Thoughtful Architecture”, etc.). Exhibits II-11, II-12, II-16, and II-17 should be relocated to the Appendix.
4. The text states in several locations that greater density than allowed by current zoning is required, but provides no factual support or substantiation for this assertion. Support is needed.
5. Additional comments regarding the exhibits are provided below.

COMPLETENESS

6. [II-1] See Comment 2 above regarding use of subjective language and relocating numbered text 1-12 – to the Appendix.
7. [II-1 Paragraph 2] There is some contradictory language regarding the potential impact of a 10 story building. In the Executive Summary, description of Alternative E – the text characterizes a 10 story building as having a significant visual impact. However, under item 1 on page II-1, the text states “the medical office building, which may be as [much], (which should read “tall or high”) as 10 stories... where its [bulk], which should read “height” will not impact neighbors. This should be reconciled.
8. [II-1] The reference to Exhibit II-4 in the paragraph beginning "An integrated street grid..." does not seem appropriate as Exhibit II-4 shows existing land uses for neighboring properties.
9. [II-2] Change the term "society's desires" in the paragraph numbered, 9 to: "9. Focused housing options...regarding school enrollments and capacity, while meeting [the Comprehensive Plan's recommendations for a more urban living environment on this Site] - activity..."
10. [II-3] The Proposed Project, the project for which the Applicant will ultimately be seeking site plan approval and which represents the full build-out of the zoning text amendments proposed for the PMU district, is not clearly defined in this chapter. A concise description of the Proposed Project, including those attributes required by Section II.F of the Adopted Scope, should be included.
11. [II-3] The text in “B. Project Location and Description” does not presently describe the Proposed Project or the Proposed Action.
12. [II-3] Provide dates of adoption when referring to Village policy documents. For example, paragraph 5 on this page states “the Village recently concluded a Comprehensive Plan Update...” It is not clear whether this Plan was adopted. If the Plan has been adopted, the text should indicate the date of adoption.
13. [II-3] Avoid using vague and subjective language such as “considered appropriate” unless substantiation or reference to a specific document can be cited.
14. [II-4] Be consistent when capitalizing “Conceptual Development Plan.”
15. [II-4] The reference to Blueback Square is confusing.
16. [II-4] “This environmental impact statement documents these and other potential impacts resulting from the buildout.” Revise to indicate that this is a preliminary Draft Environmental Impact Statement, and clarify to what “these” refers.
17. [II-4] Project Sponsor – This section should be revised to include only factual information regarding the Applicant. Additional text regarding Starwood should be relocated to an Appendix.
18. [II-5] Project Background and Site History – This section is confusing and difficult to follow. For example, because this section is describing the history of the site, dates should be provided rather than using “Ultimately” and “At one point”. In addition, as required by the Adopted Scope, the prior development proposals should be described.

19. [II-5] Description of the Site's Existing Character – This section should be revised to discuss the existing character – cursory reference to proposed excavation should be relocated.
20. [II-5] The reference to Exhibits II-19 through II-24 at the bottom of page II-5 seems inappropriate as they do not relate to the preceding text describing topography and earthwork. Rather, these exhibits might be more appropriately placed into the section describing the Proposed Project and the character of its design.
21. [II-5] The DEIS does not include, as is required by the adopted Scope, the legal status of 999 High Street as a participant in the Mitchell Lama program or other affordable or workforce housing programs established by New York State, Westchester County, or the Federal Government. Section II.F on page II-6 alludes to 'statutory' requirements, but does not define what those requirements are or why those requirements are in place.
22. [II-6] The description of the existing buildings on-Site in Section II.F should include a description of their physical condition, as required by the adopted Scope.
23. [II-6] The acreages of surrounding land uses presented in the text at the bottom of page II-6 and the acreages presented in Table II-1 should be consistent.
24. [II-6] Section F – We suggest providing the information on existing buildings in a table.
25. [II-6] Section F – Additional detail should be provided on the process for relocating the 999 High Street residents.
26. [II-8] Section H. Comprehensive Planning – Provide dates for adoption of the Update.
27. [II-8] Section H. Comprehensive Planning. The text herein states: “Potential new commercial uses would largely provide basic goods and services to residents... so as to not adversely impact Downtown's retail and commercial base.” Correct the reference to “Downtown.” In addition, this text contradicts text in Section A.1 that states: “large retailers are situated on Post Road for high visibility and good regional access.” The text needs to be reconciled.
28. [II-9] “New residential development would be **properly controlled** so as to not result in potentially adverse impacts on public schools.” Aside from the age-restricted units, the Applicant cannot control the proposed residential composition, as this would be illegal. The text (as noted above) should indicate that the units would be marketed to a specific group, and amenities that would appeal to families with young children are not proposed (although this needs to be reconciled with the large park proposed in the center of the proposed development).
29. [II-9] If references to specific documents are to be included in the text, dates, quotations and footnotes should be provided. The last two sentences of the second paragraph are confusing and should be revised to clarify the point. The sentences that begin “The Findings Statement further recognized that the Applicant [who is the Applicant?] had submitted proposed amendments [to whom].... This part [which part?] of the Applicant's submission of amendments to the existing PMU District or the creation of a SGOZ that [what is that?] to the proposed program reflected in the Proposed Action” are confusing.
30. [II-9] Access/Connectivity –Much of this section is unclear and seems misplaced and largely subjective and unsubstantiated. The text states: “The entire development is conceived of as a permeable site...” However, the text also states that almost the entire site will be impermeable surface. This is confusing and contradictory. The second half of this paragraph, beginning with “That movement will be ...” is confusing and difficult to understand. This text needs to be revised.
31. [II-10] More detail on the water and sewer improvements required for the Proposed Project should be provided in Section II.I, as well as substantiation that sufficient capacity exists. The text should provide the calculations for existing and proposed impervious surface, 10.2 acres currently + 2.7 acres = total 12.9 acres or x % of the total site.

32. [II-10] Section II.J does not adequately describe the proposed Overlay District; the entire proposed District needs to be described, not just Kohl's. In addition to describing the proposed Overlay District, the potential build out within the Overlay District should be briefly described. As explained below, the basis proposal should be 'as-of-right', with the bonus a 'worst-case'. As the Adopted Scope provides for alternative development ratios and public benefits for the Overlay Zone, the permitted development should be employed as the baseline and then a density bonus can be added as a 'worst-case' scenario.
33. [II-10] The narrative in the current Section II.J should include as a purpose of the Southern Gateway Mixed Use Overlay District allowing residential uses in portions of the CD district, not simply increasing density.
34. [II-10] Provide more detail on how stormwater is currently treated on and discharged from the Site, as well as a brief description of the stormwater treatment systems being proposed by the Applicant.
35. [II-11] The format of this section is difficult to understand and inconsistent with the narrative throughout the document. While the discussion of the design guidelines contained in the proposed Overlay District is important to describing the proposed District, the analysis of the Proposed Project's conformance those standards should be placed in Chapter III.A.
36. [II-11] The last "Design Response" on this page (response to item 4), which starts "Street-Works is known for.. " should be revised to indicate that the Applicant will prepare Design Guidelines for the proposed project site, which will be reviewed and adopted as a condition of Site Plan approval.
37. [II-12] Construction Scheduling – It is noted that the Applicant proposes Site Plan review/approval for the entire project at one time.
38. [II-12] Table II-3 – Additional information should be provided on the "remediation of soil contamination" in the earlier discussion of impacts and mitigation.
39. [II-13] The Purpose and Need Section is confusing and unclear. This section should be rewritten to eliminate subjective text and to include a clear description of the purpose and need for the project from the perspective of the Village. The grammar within this Section also needs to be fixed.
40. [II-14] The statement on page II-14 that the Proposed Project would generate tax revenue in excess of potential costs should, at a minimum, reference the appropriate section of the DEIS that provides that analysis. In addition, the text should specify the proposed timeframe for the PILOT. The last two sentences of this section that begin "It is understood..." should be deleted.
41. [II-14] Clarify how the project can provide an "increase in types of housing stock that are currently not available within the community." Which proposed housing product is not currently available? At minimum, the text should be revised to indicate that the proposed project will create new housing options.
42. [II-15] Clarify whether the NYS Department of Health or Westchester County Department of Health must review and approve the modifications to the water and sewer systems.
43. [II-15] Table II-4, Approvals and Permits Required, should be revised so that every Action is listed and each Involved Agency is listed on a separate row. Each agency should be listed in the left hand column, while the list of approvals and/or permits required should be on the right hand column. Providing header rows for Village, Regional, State, and Other agencies is appropriate. Also, the Industrial Development Agency should be added as an Involved Agency and adjacent municipalities, not already identified as Involved Agencies, should be added as Interested Agencies. The Planning Commission should be identified as an Involved Agency as it needs to grant approval of a special exemption use for the medical office. Finally, the Village's MS4 approval for the Site's stormwater should be listed.

44. [II-15] Clarify the Board of Trustees' role in approving the Site Plan for the Proposed Project. It is not clear from the zoning options submitted as the Proposed Action, that the 'concept site plan' must be officially approved. Further, Table II-4 does not list Site Plan Approval as a required approval and it does not state whether the options presented in the Proposed Action affect which board within the Village is responsible for Site Plan approval.
45. [II-15] Clarify what is meant by "resubdivision" and whether the Board of Trustees or Village Planning Commission has the responsibility for granting subdivision under the current and proposed zoning.
46. [II-Ex II-2/3] Exhibits II-2 and II-3 provide inconsistent descriptions of Building D with respect to its height.
47. [II-Ex II-4 and II-25] Exhibits II-4 and II-25 should show the municipal boundaries.
48. [II-Ex II-5,6, 14] The images in Exhibits II-5, II-6, and II-14 would be of more use to the reader if they were captioned with the features they are providing examples of and if they were keyed in some way to the concept plan for the Proposed Project.
49. [II-Ex II-10] Provide more descriptive captions on Exhibit II-10. Are these images representative of communal spaces in buildings or communal spaces within an apartment, or both?
50. [II-Ex II-15] For Exhibit II-15: 1) Clarify the caption of the rendering in Exhibit II-15. It appears to be a rendering of Block D from Block C. 2) The rendered building on Block D is of an 8-story building, while it is described in Exhibit II-2 as a 5-story building. 3) If the architectural details of the building are not yet finalized, include a note to that effect on the Exhibit.
51. [II-Ex II-16/17] For Exhibits II-16 and II-17, caption the images. It is unclear what is represented by those images.
52. [II-Ex II-26] Identify the Project Site on Exhibit II-26 more clearly.
53. [II-Ex II-27] Exhibit II-27 illustrates the traffic improvements being proposed by the Applicant very effectively. The graphic may be enhanced by differentiating the sidewalks from the road surfaces and by showing the existing lot line so that the reader can understand the Applicant's proposal to widen Route 1.
54. [II-Ex II-28] The complete text of the proposed Southern Gateway Mixed use Overlay District should be placed in an appendix not in the text of the DEIS. In addition, the text of the proposed amendments to the PMU should also be placed in an appendix to the DEIS. Both zoning amendment options should be placed in an appendix, or section thereof, clearly labeled "Proposed Action - Two Options for Zoning Amendments".

SUBSTANTIVE

55. The possibility of conveying the internal roadways to the Village was not mentioned in the Project Description or the Traffic Chapter, nor were the fiscal impacts of conveyance analyzed in the Socio-Economic Chapter.
56. The Project Description does not contain any mention of the proposed subdivision or lot line adjustments that are being requested.
57. [II-2] In the paragraph beginning "5. Public places..." include examples of the potential programming that is envisioned for the public spaces, including the central spine.
58. [II-5] The statements in Sections II.D and II.E that "approximately 66 percent of the site [is] covered by impervious surface" and "the existing ±15.45 acre site is almost completely built out" seem contradictory.

59. [II-10] Clarify that the utility improvements described in Section II.I are being done at the Applicant's expense.
60. [II-Ex II-7] Exhibit II-7, and the text accompanying it on page II-2, does not explain if, or how, the Project Site has the 'ample density' that is referenced. On Exhibit II-7, for example, the program shown has approximately 10% of the retail uses of the other projects referenced. Explain how the Project's overall size and configuration give it the characteristic of 'ample density' that is critical to the project's success.
61. [II-Ex II-20 to II-22] Exhibits II-20 through II-22 would benefit from an image showing the ground level features of the development that the Proposed Project is being compared to. It is unclear from the images provided why the reader would find these comparisons relevant.

FORMATTING AND TYPOGRAPHICAL

62. As Chapter II contains a lot of exhibits relative to text, consider grouping the exhibits in some way so that each printed sheet of the Chapter's text is not followed by one or more Exhibits. This will help the reader follow the narrative of the Project Description chapter more clearly when the DEIS is viewed in print, or static PDF.
63. [II-1] "1. Intentional Placement...The medical office building, which may be as high as ten stories,..."
64. [II-2] "8. Street level vitality. Retail shops and restaurants will occupy the street level of most of the buildings on the site...."
65. Exhibit II-18 is hard to read. Typically topographic maps are provided with gradations of color to better illustrate the grade changes.
66. [II-6] 2nd paragraph, third line - "Hospital".

LAND USE AND ZONING (CHAPTER III.A)

OVERVIEW

1. [III.A-24] Section III.A.2 is incomplete. The section includes the beginning of a description of the current zoning for the Project Site, but does not include information on the Future Without the Proposed Project. More critically, this Section does not contain a description of the two options within the Proposed Action, which would be the 'mitigation' portion of the zoning section of Chapter III.A. In addition, this section should not include a sub-section entitled, "Applicant's Response". Rather, the text within that section should be placed within the appropriate sub-sections of the zoning section, such as 'Existing Conditions', 'Future Without the Proposed Project', and 'Impacts' or 'Mitigation'.
2. Chapter III.A should analyze the Proposed Project's compliance with the dimensional regulations of the PMU, including: the maximum building coverage *per site*; and, the minimum usable open space per dwelling unit *per lot*.
3. In general, the section of the Chapter that discusses conformance with adopted land use plans needs to include more analysis of the Proposed Project's conformance with those plans and less description of the Proposed Project. The analysis should include a discussion of the plans' recommendations for land use, zoning controls (FAR, height, etc.), transportation improvements, and infrastructure.

COMPLETENESS

4. [III.A-1] The "Section Summary" would benefit by including a more clear description of the two options for zoning amendments being proposed by the Applicant. In addition, this section should

explain the organization of the Chapter. In addition, as noted earlier, there needs to be a justification for the assertion that the greater density (i.e., beyond that allowed by the current zoning) is necessary.

5. [III.A-2] Make the acreages of surrounding land uses presented in the text of page III.A-2 and the acreages presented in Table III.A-1 consistent.
6. III.A-3] The 1968 Master Plan is mentioned but there is no discussion of whether it remains applicable and, if so, the Proposed Project's consistency therewith. It should be clear that the Village has adopted a more recent Master Plan.
7. [III.A-3] The section of Chapter III.A that discusses the consistency of the Proposed Project and Proposed Action with local and regional plans and begins on Page III.A-3 and concludes on Page III.A-21 should be placed within its own subsection of Chapter III.A, rather than within the "Land Use" section. Further, the section could benefit from subheadings that group the plans by jurisdiction or entity and more clearly distinguish text quoted from a plan, the "Applicant's response", and other DEIS text. Only the smallest portion of text necessary to give the reader the information necessary should be quoted. If the text that needs to be quoted is too long (i.e., more than half a page), either shrink the font, or, summarize the text and include the full quotation in an Appendix.
8. [III.A-5] The comment about the number of school children associated with 2-bedroom units at the Mariner is unclear; presumably, the text intends to explain that applying the ratio from the Mariner project to the Proposed Project is inappropriate given the larger size and configuration of the 2-bedroom units in the Mariner versus those of the Project. If that is the point, the text needs more than an assertion. In addition, a description of the Mariner project should be included in the DEIS. However, this discussion does not belong in this section of the DEIS. Rather, this section should focus on the conformance of the Proposed Project with the Comprehensive Plan's recommendations (i.e., informing the school system of applications for multi-family housing and preparing a cost of services study).
9. The conformance of the Proposed Project, including the proposed traffic mitigation, with the "Route 1 / North Main Street Corridor Study" should be included in this Chapter. This study is referenced in the Master Plan and is directly relevant to the Proposed Project.
10. III.A-8] The discussion of the "fair share" apportionment of the cost of traffic improvements does not belong in this section, which should be focused instead on the conformance of the Proposed Project with adopted land use plans.
11. III.A-8] The section that discusses portion of the Findings Statement for the Comprehensive Plans that acknowledges that a more site-specific EIS would need to be prepared is confusing and should be clarified.
12. III.A-20] The conformance of the Proposed Project and Proposed Action with Westchester 2025 is not presented in the pDEIS.
13. [III.A-21] The section of Chapter III.A entitled "Development Trends" should include an explicit discussion of approved and pending projects within the 1/4 mile study area in general, and the overlay zone in particular. Further, there is no discussion of the consistency of the Proposed Project with such trends.
14. [III.A-23] The section regarding mitigation for land use impacts should clearly state whether or not any measures are being proposed to mitigate impacts on Land Use from the Proposed Project.
15. [III.A-24] The first two complete paragraphs on this page would be more appropriately placed in the "Anticipated Impacts" section.

16. [III.A-24] The paragraph that deals with 'cut-through' traffic should more clearly define what the potential cut through problem is, and what impact the Proposed Project would have on the problem and on neighborhood character.
17. [III.A-24] The paragraph that deals with the informal parking on the Project Site by the 350 South Regent Street building should define what the 'informal arrangement' entails. In addition, the paragraph should clarify the apparent contradiction between the statements that "the Applicant would be willing to work with the neighbors" and "the Proposed Project [parking calculations] does not include outside users." Based on this clarification, the Applicant should clearly state the potential impact, as required by the adopted Scope.
18. [III.A-24] At the bottom of page III.A-24, clarify the sentence that states the Project Site is within the R2F district. The Project Site is within the PMU district.
19. [III.A-25] Add a brief description of each zoning district to Table III.A-2, such as "2-Family Residential", "Commercial", "Mixed-Use".
20. [III.A-25] In Section III.A.2.a.i, do not repeat the text of the current PMU district. If the Applicant desires to include the full text of the current PMU district, do so in an Appendix. For purposes of this chapter of the DEIS, summarize the salient features of the PMU district and use tables, when necessary, to list permitted uses and dimensional standards.
21. [Ex III.A-1] Include the municipal boundaries on Exhibit III.A-1.
22. [Ex III.A-2] As required by the Adopted Scope, include the zoning districts for all municipalities within 1/4 mile of the Project Site in Exhibit III.A-2. In addition, better highlight the Project Site, include the 1/4 buffer, and include all municipal boundaries.
23. [Ex III.A-3 to III.A-5] There are two Exhibits labeled III.A-3 and III.A-5. In addition, Exhibits III.A-3 to III.A-5 are not referenced in the text of Chapter III.A. Include a reference to, and description of, these figures in the appropriate place in Chapter III.A.

SUBSTANTIVE

24. [III.A-2] Provide an estimate of the number of parking spots on the Project Site used by the 350 Regent Street residential community and whether they have permission to use the Project Site currently.
25. [III.A-17] The response to Site Plan Review criteria 'e' is inadequate and non-responsive.
26. [III.A-18] The response to Site Plan Review criteria 'h' is inadequate and non-responsive.
27. [III.A-21] The analysis of the conformance of the Proposed Project and Proposed Action with the *Third Regional Plan*, at one sentence, is inadequate.
28. [III.A-23] Clarify and expand the discussion of why the Applicant believes that the Proposed Project is not expected to affect key anchors in downtown Port Chester, Rye, or nearby shopping centers in Port Chester and Rye Brook to an extent that would cause an adverse impact to community character. It appears that the concept is that the Proposed Project would provide limited retail for the residential portion of the development, which will not be of sufficient size, variety, etc. to compete with any downtown, but that the new residents would use the downtown for other retail needs and services that would not be available onsite. If this is the rationale, it needs to be more clearly articulated.

FORMATTING AND TYPOGRAPHICAL

29. [III.A-1] On Page III.A-1, the Project Site is listed as ±15.44 acres. Elsewhere in the document it is listed as ±15.45 or 15.4 acres. The references should be made consistent throughout the DEIS.

30. [III.A-1] In the first sentence of Section III.A.1.a, the text should be changed to "...and currently contains the vacant..."
31. The date of adoption of the Comprehensive Plan is stated variously in the DEIS as 2014, 2013, and 2012. The Comprehensive Plan was adopted on December 17, 2012.
32. [III.A-15] The second paragraph of the 'Applicant's response' contains an extra word, "out". In addition, the last sentence of the same paragraph is incomplete.
33. [III.A-21] The sentence that starts "Those proximate to the Project Site include..." seems either misplaced or missing a key descriptor.

SUBSTANCE OF ZONING AMENDMENTS

This section presents our *preliminary* comments on the substance of the two options for zoning amendments petitioned for by the Applicant (the Proposed Action). It is noted that as written, the adoption of either proposed amendment would not allow this project to move forward procedurally.

1. Neither zoning option presented by the Applicant addresses the current requirement for approval of a special exemption of the medical office use.
2. Regarding the Planned Mixed Use (PMU) District, we note the following changes requested by the Applicant in their petition:
 - a. Increasing the allowable FAR from 0.8 to 1.6 and removing the restrictions on FAR by use
 - b. Changing the height requirement to 8 stories or 85 feet for all buildings and deleting the §345-16 height bonus provision
 - c. Removing the Village Board as the entity with Site Plan approval authority
 - d. Allowing ground-floor office uses in mixed-use (residential/commercial) buildings
3. The proposed changes to the PMU do not include any provision for density bonuses within the District; rather, they include an 'as-of-right' increase to FAR.
4. Regarding the proposed "Southern Gateway Mixed-Use Overlay District" (SG), we note several minor, but important, changes that should be made:
 - a. The purpose of the SG should include the introduction of mixed-use and the introduction of residential uses to the CD district.
 - b. Public infrastructure and recreational benefits required of projects within the SG should include more than Abendroth Park Public Access. It is not clear how a property on the southern side of Boston Post Road could meet this requirement.
 - c. The text should clearly state that the dimensional standards of the underlying district are still applicable and that they are only supplemented by the standards within the SG District.
5. The procedure for review and adoption of the 'Concept Plan' within the proposed SG text is not clear. Similarly, the relationship between the Concept Plan and subsequent Site Plan applications is not clear. Finally, the role of the Village Board and Planning Commission in approving the concept plan, site plans, and special exemptions within the SG are not clear. As it is proposed, within the PMU, the Village Board may approve a concept plan (which is not binding or a recognized action), the Planning Commission would approve a special exemption, and then the Village Board would approve the Site Plan. Within the CD District, The Planning Commission would appear to retain site plan review and approval.

VISUAL RESOURCES (CHAPTER III.B)*OVERVIEW*

1. Include a discussion of the relationship between the Proposed Project and the surrounding areas and neighborhoods in terms of visual and aesthetic resources, as required in Section IV.B.2.b and c of the Adopted Scope.
2. [Ex III.B-20] The massing model included as Exhibit III.B-20, colored by use and topographically accurate, is a great visual to show the overall development scheme of the Proposed Project.

COMPLETENESS

3. [III.B-1] The narrative in the 'existing conditions' section of Chapter III.B should describe the existing visual conditions in greater detail and should, at a minimum, describe the images on Exhibits III.B-1 and III.B-2.
4. [III.B-2] The DEIS states that the Proposed Project will be visible from eight locations, six of which currently afford views of the Hospital complex. The text should explicitly state that two sites that do not currently offer views of the Hospital complex will allow views of the Proposed Project. Also, list the eight sites in the text, and identify the two 'new view' sites.
5. [III.B-2] Clarify, or consider removing, the current list of "View Locations" on page III.B-2. It is not clear what this list is of.
6. [III.B-2] In general, the description of the changes in visual resources from the Vantage Points with visibility of the Site needs to be enhanced. Include the Vantage Point number and Exhibit Number of each view being described in the narrative so that the reader can easily navigate to the appropriate view. More specific comments on each Vantage Point are provided below.
7. [III.B-2] Discuss the topography of Abendroth Park and how it affects the views of the Site from Vantage Points 1 and 5, as required by the Adopted Scope.
8. [III.B-3] Include in Section III.B-3 a discussion of the visual conditions in the Future Without the Proposed Project.
9. [Ex III.B-1] Confirm that the letters in the key map correspond to the images in Exhibit III.B-1. It appears, for instance, that "H" is not correct. Also, it is not clear if view "G" is from the public ROW, or within the Project Site. Finally, include arrows, or some other means of symbolizing the direction in which pictures F, E, D, and G were taken.
10. [Ex III.B-3] Confirm that all photographs were taken toward the Project Site. The legend on Exhibit III.B-3 seems to show that photos 17, 9, 10, 14, and 7 were not facing the Project Site. Also, verify the location of View 17 is on Ridge Street, as required by the Adopted Scope, and not Purchase Street.
11. [Ex III.B-13 to 19] The salient and relevant features of the images of other developments on Exhibits III.B-13 to III.B-19 should be captioned.
12. [Ex III.B-13 to 19] Exhibits III.B-13 and 17 and III.B-14 and 16 appear identical.

SUBSTANTIVE

13. [III.B-2] In the description of the view from Vantage Point 5, clearly state what the impact of the Proposed Project would be on visual resources, not simply that the Proposed Project's building would be closer, but of the same scale as the Hospital building.
14. [III.B-3] The Village Board should consider whether the view presented from Vantage Point 19 adequately fulfills the intention of the Adopted Scope to consider the views from High Street. Or, should the picture and photo-simulation be from another location on High Street, perhaps one that is more east.

15. [III.B-3] For the discussion of Vantage Point 6 on South Regent Street, identify the Vantage Point in the text and expand on the discussion of the 'somewhat larger' buildings of the Proposed Project and their distance to the existing residential buildings relative to buildings and parking lots that are currently on-Site. (The landscaped border that is mentioned in this paragraph should be more fully described in the 'mitigation' section of this Chapter.)
16. [III.B-4] Section III.B should mention that the Proposed Project anticipates the dedication to the Village of the streets within the Proposed Project. This will place into context a lot of the discussion of the streetscape within the Site that is found in the 'Mitigation' section.
17. The 'Mitigation' section is unclear as to what impacts are being mitigated. This discussion needs clarification.

FORMATTING AND TYPOGRAPHICAL

18. [III.B-1] The last sentence of the "Existing Conditions" section should begin, "Exhibits III.B-1 and III.B-2 illustrate the..."
19. [III.B-3] The discussion of the wireless service provider arrays on page III.B-3 seems out of place as there is no photograph of that feature and it does not refer to a Vantage Point photosimulation. Perhaps this paragraph belongs at the end of the 'Anticipated Impacts' section, or in the 'Mitigation' section.

STORMWATER MANAGEMENT (CHAPTER III.C)

OVERVIEW

1. Several references to report Exhibits appeared to be mislabeled or could not be found at all.

COMPLETENESS

2. A general description must be provided of any anticipated increase in impervious surfaces associated with development projected to arise from the adoption of the proposed Overlay Zone. Will there be an increase in impervious coverage in the Overlay Zone? How much is permitted under zoning and is stormwater detention practical for these areas? Which elements of downstream drainage will be affected? Which areas might be susceptible to flooding? How will the Blind Brook be affected by any potential impervious coverage increase in the Overlay Zone? This should be provided in Chapter III.L.

SUBSTANTIVE

3. The parking lot at the end of Touraine Avenue and tributary areas should be included in Drainage Area C.
4. Information obtained through GIS topo or provided by the Village of existing Village maps (as stated in the document) must be verified in the field as it relates to Midland Avenue at Cottage Street and Slater Street.
5. Please provide additional information regarding the Abendroth Park "underdrain system."
6. The condition, size and capacity of existing drainage infrastructure, particularly the drain lines across Boston Post Road and through the Kohl's Shopping center to Midland Avenue, must be examined for capacity and discussed as part of this report. This would likely require TV inspection of existing drain piping.
7. Condition, size and capacity of downstream piping shall be discussed as it may relate to both the proposed potential flow rate increases as well as capability of handling current flows. It is believed that the development of the Project Site will have an impact on flooding on Midland Avenue (at Cottage Street and Slater Street), as the Project Site is tributary to that area.

8. Water quality volume / runoff reduction volume calculations must be provided.
9. There is mixed terminology of SWPPP versus stormwater management plan; this should be clarified.
10. Confirm that the rainfall data used to model the storm events in the SWPPP are the most recent.
11. Need to explain why the project is a “redevelopment” project with the less stringent stormwater requirements.
12. Does not appear to discuss the measures that will be employed if construction disturbs areas of more than 5 acres at a time, which is acknowledged later in pDEIS.
13. It’s not clear why the more detailed description of some of the stormwater management measures are in the Natural Resources chapter; seems that part of that discussion belongs in this chapter—although the sedimentation and erosion control plan is included in the scope for the Natural Resources chapter (IV.G.3) the SWPPP entails more than such a plan.
14. It is strongly recommended that green infrastructure practices (beyond subsurface infiltration and proprietary practices) be incorporated into the stormwater mitigation design. It is also recommended that green infrastructure practices be considered for purposes beyond satisfying the water quality / runoff reduction requirement.

UTILITIES (CHAPTER III.D)

COMPLETENESS

1. A discussion of proposed peak water usage must be provided. It should be noted that the comparison of water usage values to the previous peak water usage of the United Hospital facility is for informational purposes and not a sufficient comparison, as the peaks of that previous use and proposed development would not have occurred during the same time of day. What impact will there be on infrastructure during peak usage periods as peak rates from the proposed action are likely occur at the same time as the surrounding areas? A similar analysis must be provided for the Overlay Zone District scenario.
2. The capacity of the existing water infrastructure must be provided.
3. No discussion regarding the sufficiency of existing water resources has been provided.
4. Has water storage been evaluated?
5. [III.D-4] The impacts from multiple connections to the water supply system are unclear.
6. Similar to the water supply section, a discussion of proposed peak wastewater generation must be provided. What impact will there be on infrastructure during peak generation periods as peak rates from the Proposed Project are likely occur at the same time as the surrounding areas? A similar analysis must also be provided for the Overlay Zone District scenario.
7. The capacity of the existing sewer infrastructure must be provided. The existing sanitary sewer line from the Project Site to the intersection of South Main Street and Purdy Avenue must be inspected and flow must be monitored. This area has a history of cracks and breaks and therefore the baseline capacity of this line must be established.
8. Information provided by the Village Engineer (as stated in the document) must be verified in the field.
9. Projected peak sewer flows from the site must be applied to baseline flow obtained from flow monitoring to determine if there is capacity.

10. Measures to reduce inflow/infiltration (I/I) must be discussed, as required by the Adopted Scope, including consideration of removing I/I from the system at three times the Project's flow.
11. The existing sanitary sewer line from the proposed site to the intersection of South Main Street and Purdy Avenue must be repaired and replaced with larger diameter pipe as necessary.
12. [III.D-9] On page III.D-9, the DEIS refers to the estimated sewer flows from the former United Hospital as 'baseline' flows. This terminology should be corrected, as the flows from the former hospital use were included for comparison purposes, not to determine a baseline.
13. [III.D-10] In the Overlay District assessment, which should be included in Chapter III.L, the text says there will be a significant increase, but no number is given and the impacts of that increase is not discussed.
14. [III.D-11] The mitigation paragraph needs to be clarified. The word 'baseline' should be removed, as noted in the comment above. Further, the last sentence should read, "Since the Proposed Project proposes no significant increase in sewage flow from the former hospital use on-Site, in the Applicant's opinion, no mitigation is necessary.
15. [III.D-11] This Chapter must include information on the anticipated impacts to electric, gas, and telecommunication services. Currently, the Chapter contains no analysis of the Project's anticipated usage of those utilities.

SUBSTANTIVE

16. [III.D-12] Include documentation from the electric, gas, and telecommunication providers to verify that no off-Site mitigation will be required to meet the Project demand.
17. [III.D-12] Include information regarding the undergrounding of electrical utilities in the 'mitigation' section.

TRAFFIC AND TRANSPORTATION (CHAPTER III.E)

COMPLETENESS

Existing Conditions Section

1. The Traffic Impact Study (TIS) states that traffic volume data were collected for the majority of the study intersections on Thursday, May 29, 2014 and on Saturday, May 31, 2014. Traffic volume data for the intersection of Boston Post Road with Olivia Street were collected on Tuesday, June 17, 2014 and on Saturday, June 21, 2014. However, it is noted that the majority of the weekday traffic volume data were collected during the week containing the Memorial Day holiday and may not be representative of traffic operating conditions. It is recommended that the applicant conduct spot traffic counts at the following intersections to confirm the traffic volumes used in the study, including: Boston Post Road with South Regent Street; Boston Post Road with I-287 Eastbound off-ramp/I-95 southbound on-ramp; Ridge Street and High Street; and, Boston Post Road and Peck Street.
2. The methodologies used for the selection of the peak hours for analysis are documented in the TIS, while the discussion of the possible use of residential street as "cut-through" routes and the on- and off-street parking resources are described in the DEIS. The traffic expected to be generated by the Site under the current development proposal is compared with previous development proposals and the former hospital use on the Site in Table 2.4.4 of the TIS. As required by the Adopted Scope, a summary of this discussion should be in the text of Chapter III.E.
3. The Applicant includes three (3) years of accident data obtained from the New York State Department of Transportation (NYS DOT) in the form of summary reports from the NYS DOT Safety Information Management System. Accident reports and information from the Port Chester

Police Department are not included. In addition, analyses of the accidents are not included. The accident reports from the local police department and an accident analysis using the Critical Rate Method should be included.

4. Current school bus traffic, truck traffic exiting from I-95, pedestrian patterns and the pedestrian use of the crosswalks between the Kohl's Shopping Center and the Site are discussed in the DEIS. Aside from one figure summarizing the pedestrian counts, Figure III-E-05, no data are provided. The count data should be provided.
5. No analysis has been provided of the existing weaving section on Boston Post Road for the traffic between the Westbound 1-287 On-Ramp/1-95 Northbound Off-ramp and High Street. The analysis should be provided.
6. [III.E-19] When were the pedestrian counts taken on May 25th – presumably between 11:30am and 12:30pm?

No-Build Conditions Section

7. The anticipated No-Build Conditions are discussed. However, the re-occupancy of unoccupied portions of the Kohl's Shopping Center site is not discussed. There is a statement in the DEIS that "...future truck traffic is accounted for in the capacity analysis." No volume information is provided.
8. [III.E-22] Is there an update regarding proposed developments, as the information is now eight months old?

Anticipated Impacts Section

9. The notion of a credit for the former United Hospital traffic is inappropriate; the comparison is for informational purposes only.
10. Although a Shared Parking Analysis is discussed in the DEIS the analysis of the proposed parking demand was not found. The parking demand analysis and the methodology used to complete the Shared Parking Analysis should be included.
11. Statements are included in the DEIS concerning cut-through traffic, additional curb cuts and sight distance. Sight Distance analysis for the existing and proposed curb cuts were not included.
12. The DEIS contains statements about anticipated truck activity and pedestrian conditions. However, the DEIS does not include an analysis of truck operations including "... satisfying geometric issues for truck ingress and egress" which should be included.
13. [III.E-25] Confirm that the possible provision of a jitney was not used as a credit in the traffic assessment.
14. [III.E-25] The discussion of internal trips is not clear; is the concept that there will be a reduction in trips because residents can access nearby retail facilities? If so, this discussion needs clarification.
15. [III.E-26] Clarify how the Applicant is taking 'pass-by' trip credit, but not credit for traffic already going to the Kohl's center. This seems to be contradictory.
16. The DEIS includes statements concerning possible impacts on the local Metro-North train stations, bus rapid transit operations and the proposed Overlay Zone. However, it does not appear that the capacity analysis worksheets for the Overlay Zone Conditions are included. The analysis worksheets should be included.

SUBSTANTIVE

17. It is not clear from the DEIS why the mitigation proposed is considered more than the Applicant's 'fair share' or more than the Applicant would otherwise be required to undertake. The suggestion

that the traffic mitigation is more than the norm should be amplified and described as the Applicant's opinion (this applies throughout this section and the rest of the pDEIS).

SOCIO-ECONOMIC, COMMUNITY FACILITIES AND SERVICES (CHAPTER III.F)

OVERVIEW

1. The distinction between the terms 'Proposed Action' and 'Proposed Project' is critical in sections where the impacts of each are being quantified, such as section III.F.2.
2. The distinction between 'tax revenue' and the 'PILOT' needs to be rigorously enforced in this Chapter. When referring to potential PILOT payments, they should not be referred to as 'tax' payments or revenue.
3. In general, Chapter III.F does not include information on the Future Without the Proposed Project, or the 'no-build' condition.
4. [III.F-29] AKRF defers to the Village of Port Chester in determining the completeness of the Applicant's discussion of the Village's previous workforce housing efforts.

COMPLETENESS

5. [III.F-2] Summarize, in a concise narrative, the applicable demographic trends for which data is presented in Tables III.F-1 to 7 with a reference to those tables. The salient features of the tables are not immediately clear. (Also, Table III.F-2 is not mentioned in the text.)
6. [III.F-2] The race and ethnicity figures presented in Table III.F-7 for Westchester County in 2010 appear to be inaccurate. In addition, the note for Table III.F-7 should be changed to state that the sum of the percentages for racial identification should total ~100% and that the percentage of the population that identifies as being of Hispanic origin is a measure of ethnic identification, not racial identification. Therefore, that figure is separate from the racial identifications, which should total ~100%.
7. [III.F-6] A more comprehensive summary of the three purposes of the Overcrowding and Mitigation Analysis should be provided in the Existing Conditions section of III.F.2. Namely: to project school enrollment, both with and without proposed projects; to generate Port-Chester specific school age child multipliers for new housing construction; and to develop the education and new construction costs to the School District per student.
8. [III.F-6] The discussion of the Mariner on page III.F-6 is confusing. Clarify what projections the IDA reported were exceeded and include, as context, the purpose of the Report's discussion of the Mariner (i.e., to test the accuracy of various multipliers in predicting future school age children from new development). (The scope provides for a comparison of school generation estimates to comparable projects in the region. Is the purpose of this discussion to show that the analysis in the DEIS is conservative?)
9. [III.F-8] The second sentence of page III.F-8 should state that the estimate of the number of school children projected to be generated by the Proposed Project (34) came from the mitigation formula developed in the IDA report, not simply 'survey data'.
10. [III.F-9] The second paragraph on page III.F-9 should separate the discussion of the 'no-build' classroom needs and currently planned classroom construction (the "Future Without the Proposed Project") from the school construction that would be required based on the impacts of the Proposed Project. The figures should be provided so the reader can see the direct comparison.
11. [III.F-9] The discussion of the measures proposed to mitigate the Proposed Project's impacts on the School District is inadequate. Mitigation measures for both the annual and capital fiscal impacts must be addressed in both the PILOT and no-PILOT scenarios.

12. [III.F-9] Clarify that the 'soft costs' discussed on page III.F-9 are annual costs to the School District.
13. [III.F-10] Include a description and/or Exhibit describing the locations of the Fire Companies within the Village and nearby surrounding municipalities as appropriate.
14. [III.F-11] Section III.F.5.a states that, "the Village performs solid waste removal for the residents of the Village." Do they also provide solid waste removal services for commercial properties in the Village?
15. [III.F-11] Section III.F.4 does not include a discussion of the potential impacts to the fire department or EMS services as a result of the Proposed Project, including an estimate of increased call volumes and changes in the nature of calls. An analysis of whether there is adequate staffing and vehicles for both the fire department and EMS service needs to be included.
16. [III.F-11] Section III.F.4 does not include a discussion of the impacts to mutual aid agreements as required by the Adopted Scope.
17. [III.F-12] The source used for calculating solid waste generation is insufficient as it is twenty years old. A more recently issued reference must be used to calculate tons/week of solid waste generation. In addition, it does not appear that the hotel use was included in Table III.F-13.
18. [III.F-12] Clarify that the private carters anticipated to be used by the Applicant for the Proposed Project would be paid at the Applicant's expense.
19. [III.F-12] The Adopted Scope requires that the Applicant "explain responsibilities for garbage collection and recycling following redevelopment." The statement in the pDEIS that "it is anticipated that proposed development will utilize private carters" is not a sufficient explanation. How would the Applicant ensure that all components of the Proposed Project would utilize private carting companies for their solid waste? Would all properties continue to be owned and managed by a single entity? If Village solid waste removal services are proposed to be utilized, are there design and other requirements that must be met?
20. [III.F-15] Clarify the statement on the top of page III.F-15 that "comparable development would occur elsewhere in the region." Is the Applicant stating that a similar compact mixed-use development would occur, or, that a similar amount of development may occur in a less centralized development?
21. [III.F-20-21] The combined assessed value presented on III.F-20 (\$16,192,000) differs from that presented in Table III.F-16 (\$16,041,000). Based on the Town of Rye tax rolls, the value presented on III.F-20 (\$16,192,000) appears to be correct. The estimated tax generation data in the text on III.F-20 and in Table III.F-16, which were calculated using the incorrect value in Table III.F-16, should be updated.
22. [III.F-21] The last paragraph on page III.F-21 references an analysis of income tax benefits to New York State from construction employment. Include a reference to the section of III.F that contains that analysis.
23. [III.F-21] The second sentence in the second paragraph under "b. Anticipated Impacts" is: "In order to be conservative, the analysis utilizes the low end of the development cost range identified above." Please indicate the section and page that the development cost range is identified.
24. [III.F -21] The third sentence in the second paragraph under "b. Anticipated Impacts" reads: "Based on the IMPLAN model, it is assumed that the approximately \$335 million total budget will result in approximately \$270 million in direct construction expenditures." This statement should be clarified.
25. [III.F-21] The construction costs listed in the second paragraph on this page should be reviewed. The paragraph states the direct construction expenditures are \$270 million, with \$95 million for direct labor and \$160 million for materials. These numbers total \$265 million. Also the percentages listed in this paragraph should be reviewed.

26. [III.F-21] Clarify the calculation of \$12 million in sales tax revenue for construction materials for Westchester County at the end of the second paragraph on this page. Also, since the project has proposed to enter a PILOT program, will the project be exempt from paying sales tax on construction materials?
27. [III.F-22] The discussion of a potential PILOT, and its potential fiscal impacts, needs to be expanded. Include the entity that can grant a PILOT, the duration of the PILOT, and the effect of the PILOT on the provision of tax revenue to the various property taxing districts.
28. [III.F-22] The projected tax revenue generated by the Proposed Project needs to be included.
29. [III.F-23] Section III.F.7 does not include items IV.F.6 .iii or iv of the Adopted Scope. (It is also noted that item IV.F.6.v is not addressed, which requires a discussion of the fiscal impacts of the Overlay Zone option of the Proposed Action. This item is not addressed in either Chapter III.F or III.L.)
30. [III.F-23] Provide examples of the types of goods that are not subject to sales tax and briefly evaluate the likelihood that they would comprise 25% of total sales at the completed project.
31. [III.F-23] The figures presented for estimates of retail sales based on \$375 per square foot, as well as the 75%/25% values representing sales subject to sales tax, are not accurately calculated. The text and the tax revenues presented in Table III.F-18 need to be updated.
32. [III.F-23] Under c., state that the project would generate substantial PILOT revenue, not tax revenue, as noted above.
33. [III.F-24] In the first full paragraph on this page, prior to “In the short term,” the following should be added “As described below.” This should be added so that the reader knows that the derivation of these numbers will be described in the next section. Also, the third sentence of this paragraph references 730 jobs in supporting industries. Does this refer to indirect and induced jobs?
34. [III.F-24] In the first full paragraph on this page, the last sentence discusses 944 direct jobs (plus an additional 28 jobs from the residential component) from annual operations. Why are the residential jobs not included in the total direct jobs? Should this say “972 direct jobs”?
35. [III.F-24] Clarify whether the number of jobs presented in the employment analysis is in FTE's or total employees (full and part time).
36. [III.F-25] Table III-F-19 presents estimates of economic impacts generated during construction. What numbers were run through the model? As discussed on page III. F-21, the direct construction expenditure is \$270 million. Was this entered or was this amount reduced based on the amount of construction materials purchased in Westchester County? Also, which IMPLAN sectors were used to model this analysis? What amounts were modeled in each sector?
37. [III.F-26] Table III-F-20 presents estimates of economic impacts generated from annual operations. Explain why the 28 jobs associated with the residential units were not modeled. Which IMPLAN sectors were used to model this analysis?
38. [III.F-26] In the Residents Spending pattern section, it seems that the analysis was done using the household income change activity type. Please specify if the disposable income or total household income was run through the model.
39. [III.F-26] It may be useful to include a table that summarizes the economic impacts from project operation (Table III.F-20) and resident spending (Table III.F-21).
40. [III.F-27] The fiscal impacts (direct, indirect, construction, operations) of the Overlay District option of the Proposed Project were not presented in the DEIS. They are not included in Chapter III.F or III.L.
41. [III.F-27] Provide a complete source for the data in Table III.F-22.

42. [III.F-27] The discussion of workforce and affordable housing needs to be carefully constructed so as not to conflate the two. The relationship between 'workforce housing' and the Village's 'moderate-income housing' should be made explicit.
43. [III.F-30] It would be beneficial to compare the amount of workforce and affordable housing in the Village to other comparably sized communities.
44. [III.F-28] The third paragraph on page III.F-28 is incomplete. This paragraph lacks context for the reader, such as what entity is requiring set-asides.
45. [III.F-28] While the second paragraph refers to studies undertaken in Westchester County to document affordable housing issues, there is no discussion here of quantitative metrics, i.e.: how many Westchester (or Port Chester) residents are currently overburdened by housing costs, according to American Community Survey and/or HUD data? What factors have been identified by researchers as influential to the County's supply of and demand for affordable housing?
46. [III.F-28] The fourth paragraph on page III.F-28 need to explain what the "Guidelines" are for. Right now, it is unclear. For what income band (i.e., what percentage of AMI) do these maximum rents apply?
47. [III.F.9.b-27] Section III.F.9.b.i describes the existing conditions of the Village's workforce housing program, not the anticipated impacts. Only the last sentence of this section relates to impacts.
48. [III.F.9.b-28] Section III.F.9.b.ii does not address the relationship between the Proposed Project and the County's workforce housing goals. It repeats existing conditions information.
49. [III.F.9.b-28] Section III.F.9.c includes the Applicant's response to two required scope items in one paragraph and section. The discussion of inclusion of affordable housing in the Proposed Project and the discussion of replacement/relocation housing should be separated.
50. [III.F-30] The potential residential population of the Kohl's site under the Overlay District option of the Proposed Action as presented on page III.F-30 is inconsistent with other figures in the DEIS.
51. [III.F.10-29] The impacts on recreational resources from the commercial portions of the Proposed Project are not discussed.

SUBSTANTIVE

52. [III.F-4] How was the population estimates for loft units derived? Why is it not appropriate to use 1.5 or 2 as multipliers?
53. [III.F-4] Explain what Note 2 in Table III.V-8 means and what the reference to school children is.
54. [III.F-5] Describe the anticipated impacts of the Proposed Project on median household income and age of population within the Village.
55. [III.F-5] It is likely that the homes vacated by existing households within Port Chester that choose to relocate to the Proposed Project would be re-occupied. Therefore, it is likely that the total population of the Village would increase by the increment occupying the Proposed Project.
56. [III.F-10] Expand upon the potential responsibilities of the management companies for the residential, hotel, office, and retail uses with respect to security.
57. [III.F-16] The discussion on GHGs and the relationship of the built environment to continued GHG emissions is well presented. It is noted, however, that the calculations of GHG emissions on page III.F-16 assumes that all energy directly consumed on the Project Site is in the form of electricity, rather than a portion of that energy coming from natural gas.
58. [III.F-21] The introductory text to Section III.F.7 mentions that the former Untied Hospital operated as a tax-exempt organization. The impacts of this statement as it relates to fiscal impacts on various taxing entities (property tax and otherwise), should be discussed.

59. [III.F-21] Confirm that construction sales will be subject to sales tax, even in the case of an IDA benefit package.
60. [III.F-23] What is the source for the “Westchester Country industry standard average annual sales of \$375 per square foot?”
61. [III.F-26] In the Residents Spending pattern section, discretionary income was estimated at \$22,640,950 based on an average of \$31,015 per household. Of the total 730 households, 230 households (or 32 percent) are senior households. Was the significant percentage of senior units factored into the calculation of discretionary income? Note that ESRI (the source for consumer expenditure data in the analysis) has disposable income by age of householder, which may be a more appropriate dataset for this analysis.
62. [III.F-29] The first paragraph refers to “low-income public housing projects.” Are these buildings all public housing, or are they privately-owned buildings receiving some form of public subsidy? In addition to clarifying this paragraph, the distinction between different types of ‘affordable’ housing should be clear throughout this Chapter.
63. [III.F-29] The second paragraph describes new housing developments targeted at households earning no more than 80% of AMI. This income band should be quantified and compared to typical housing costs observed elsewhere in Port Chester.

FORMATTING AND TYPOGRAPHICAL

64. The pagination appears to reset partway through the demographic section of Chapter III.F and again in the Workforce Housing section.
65. [III.F-2] State what the units of construction employment are for the employment figures mentioned in the first sentence of page III.F-2. (FTE?)
66. [III.F-3] For Table III.F-6, confirm that the data for Median Household Income presented for the year 2000 is from the Decennial Census. Also, for the 2009 data, provide the full citation of the American Community Survey dataset used (i.e., 3-year, 5-year).
67. [III.F-4] Table III.F-1 shows population figures from 1970-2010, not 2000 as stated in the title.
68. [III.F-6] In the last paragraph on page III.F-6, the third sentence should begin, "The locally based school age child multipliers were compared..."
69. [III.F-8] State that the multipliers presented in Table III.F-11 are for rental units within a multi-family building.
70. [III.F-11] Change the reference to "North Tarrytown" in Table III.F-12 to "Sleepy Hollow".
71. [III.F-11] Footnotes 12 and 13 on page III.F-11 refer to the "Assistance" fire chief, rather than the "Assistant".
72. [III.F-21] The dollar values in Table III.F-16 should be preceded by a dollar sign, "\$".
73. [III.F-21] Define "IMPLAN" and the IMPLAN model when it is first used.
74. [III.F-22] Add the word, “million” after “\$1.190”.
75. [III.F-27] Change the word “principle” to “principal”.
76. [III.F-III.F.9.b-27] The first complete sentence of III.V-9.b.i should conclude ..."in all new developments of 10 units or more in specified zoning districts."

NATURAL RESOURCES (CHAPTER III.G)**COMPLETENESS**

1. [III.G-3] The habitat on-Site should be described, not merely classified as 'low-quality'.
2. [III.G-12] Confirm that item 13 on page III.G-12 will actually be used on-Site as mitigation for soil erosion and stormwater generation as the location of the 'proposed stormwater management pond' on the Concept Plan is not evident. If this mitigation measure is not proposed to be used by the Applicant, remove it from the DEIS. The same holds true of the other mitigation measures presented in this section.
3. [III.G-14] Mitigation measures for potential blasting activities must be presented.
4. [III.G-14] The presence of mercury-containing materials, batteries, electrical equipment and refrigerants is first noted in the 'mitigation' section of this Chapter. The 'existing conditions' section of the Chapter should contain a complete list of the potential hazardous materials on-Site.

SUBSTANTIVE

5. [III.G-3] The Applicant should update their request to the DEC's Natural Heritage Program as nearly five years have elapsed since the last query.
6. [III.G-3] The Applicant should confirm that "only low-levels of contamination" occur "within a relatively limited area of the Project Site" by conducting a Phase II study. In addition, the Applicant should discuss how the presence of coal ash will be determined on-Site and what remediation measures would be undertaken if ash is present. Planting grass is not likely to be sufficient to prevent exposure, particularly in areas used for recreation. Finally, a proper investigation to address all of the areas of concern to determine the nature and extent of existing contamination and/or fill areas will be required. Relying on historical data and limited physical investigations is not appropriate.
7. [III.G-3] Was a spill reported to DEC for REC No.1? If so, what is the status?
8. [III.G-4] Why was HREC No. 2 a spill case?
9. [III.G-14] The mitigation measures discussed for hazardous materials within buildings is incomplete. More detail is needed on the measures that would be taken to safely remove hazardous materials from buildings. In addition, more detail needs to be provided on the measures that would be necessary to mitigate the release of hazardous materials from buildings that have not been abated due to their structural integrity. Containment of the range of materials that could be present within the buildings must be addressed.
10. [III.G-14] When will the additional surveys mentioned on page III.G-14 occur and could they affect the assessments in the DEIS?
11. [III.G-15] This page notes that the Applicant would confer with NYSDEC on the appropriate remediation of on-Site soils. Through what mechanism would this take place? We note, in this regard, that there would not typically be NYSDEC involvement absent a reported petroleum spill or absent participation in a NYSDEC remedial program (which does not appear to be the case).
12. Based on the subsurface investigation, an appropriate Remedial Action Work Plan would need to be developed, that would include, but not be limited to:
 - a. Site preparation, sediment, and erosion control requirements
 - b. Appropriate measures to address contamination areas
 - c. A soil/materials management plan that would address excavation, soil/fill handling, stockpiling, and disposal requirements
 - d. Work space and community air monitoring requirements

- e. Dewatering requirements, including permitting and groundwater treatment prior to discharge
 - f. Preparation of an appropriate Health and Safety Plan based on the identified conditions
 - g. Certification and OSHA requirements for any worker handling hazardous materials.
 - h. A Contingency Plan, which would establish the required steps to address areas of unknown contamination that may be encountered during development
13. Lead shielding associated with x-ray or radiation rooms should be specifically considered as a potential hazardous material.
 14. In addition to New York State DOL ICR-56, abatement and demolition should be conducted in accordance with all local building code requirements.
 15. See below in air quality regarding dust suppression measures; these are necessary to mitigate potential hazardous materials impacts from soil disturbance.

FORMATTING AND TYPOGRAPHICAL

16. [III.G-7] Acronyms must be defined when they are first used. (i.e., “CUSCO” and “URUSCO”)
17. [III.G-14] The size of the publicly accessible open space within the Project Site presented on this page is inconsistent with figures presented elsewhere in the DEIS.

HISTORIC AND CULTURAL RESOURCES (CHAPTER III.H)

OVERVIEW

1. Chapter III.H should provide headings for existing conditions, anticipated impacts, and proposed mitigation measures to allow for an understanding of what is on the site and surrounding area at present, as opposed to historically, and to clarify whether the Proposed Project is anticipated to have any impacts on architectural or archaeological resources.
2. The Adopted Scope states that a Stage 1A literature review and archaeology sensitivity assessment will be conducted, and the results will be described. The pDEIS chapter does not reference the Stage 1A report, though such report is provided in Appendix H. In addition, the language in the chapter is identical to that of the Stage 1A, including parenthetical citations, but no references or bibliography are included. The pDEIS should provide citations for portions of the Stage 1A and all other bibliographical citations that are utilized within the chapter. More critically, the pDEIS should SUMMARIZE the relevant portions of the Stage 1A report in plain English in so far as they describe the existing conditions of the Project Site and potential impacts of the Proposed Project, which are the subjects of this Chapter.

COMPLETENESS

3. The Adopted Scope states that the Anticipated Impacts portion of the analysis should discuss potential impacts on historic or archaeological resources, including the mile marker. The pDEIS chapter does not provide any consideration of potential impacts on historic (architectural) resources. The pDEIS notes that the Applicant will defer to the Village of Port Chester regarding the disposition of the mile marker, but does not clarify whether the mile marker would be adversely affected by the Proposed Project.
4. The Adopted Scope requires that the status of the “mile marker” in front of the former United Hospital should be described. Chapter III.H notes that the mile marker is a replica, but does not clarify whether the mile marker is listed on, or has been determined by SHPO as eligible for listing on, the State and/or National Registers of Historic Places.
5. The pDEIS notes that one building on the United Hospital site and the stone gates at the eastern entrance to the hospital appear to have historic elements, but does not clarify whether these Project

Site elements are considered eligible for listing on the State and/or National Registers of Historic Places.

6. The Adopted Scope states that the Existing Conditions portion of the analysis should describe any sites in the project area that are listed or eligible for listing on the State and/or National Registers of Historic Places. This information is not provided in the pDEIS.
7. The pDEIS includes an appendix with geotechnical boring information providing valuable information about the subsurface conditions within the Project Site, including the presence of fill. An appendix with a Phase I Environmental Site Assessment containing historic Sanborn maps and other relevant information is also included. The Stage 1A report appears to have been prepared before these appendices and therefore does not include this information; however, the new data has the potential to alter the conclusions of the Stage 1A and should be examined in this context. The results of this analysis should be presented in the DEIS. The soil boring logs should be included along with the geotechnical appendix.
8. The pDEIS does not provide any information regarding SHPO review and/or approval of the Stage 1A report.
9. The pDEIS should confirm that there is no impact on any site that is included on any County or Village listing.

AIR QUALITY (CHAPTER III.L)

COMPLETENESS

1. Per the updated NYSDOT EPM (Dec 2012), MOBILE6.2 emission factor tables in Attachment 1.1-E can no longer be used to conduct project-level air quality analyses on and after December 20, 2012. The most recent version of EPA's motor vehicle emissions model is the Motor Vehicle Emissions Simulator (MOVES2014) which is required for all quantitative project level microscale/hot-spot analyses.
2. An analysis of relevant elevated receptors (such as balconies and open rooftops) as well as ground level receptors should be included. The analysis should include consideration of building downwash effects.
3. The current analysis concludes that increases in traffic volumes and developed square footage are expected under the adoption of the proposed Overlay Zone. Include a general assessment of the size of these increases as well as the air quality impacts that may result from them. (This analysis should be included in Chapter III.L.)
4. Per the updated 2014 CEQR Technical Manual, which was used by the Applicant to analyze the air quality impacts of the parking facilities, impacts associated with particulate matter should be analyzed.
5. Similar to the mobile source screening analysis, the most recent version of the EPA's motor vehicle emissions model is required for the parking facilities and adjacent street traffic analysis.
6. Due to the large development size (approximately 1,051,000 square feet), duration of construction (over two years), and proximity to sensitive receptors, an assessment of the potential for air quality impacts from the on-site operation of construction equipment associated with construction should be included. This appears to be missing from the pDEIS; only on-street construction vehicles were assessed.
7. Per CEQR guidance, utilized by the Applicant to analyze the air quality impacts of the parking facilities, a cumulative analysis of emissions from both the parking garages (confirm both were

analyzed) and on-street traffic for appropriate receptors is required. Emissions from on-street sources should be included in the parking analysis.

8. [III.I-21] The 'Future Conditions without the Project' subsection under the mitigation section does not belong here. This appears to refer to the 'no-build' condition and not any mitigation necessary to offset impacts from the Proposed Project.
9. The suggestion that there "may" be measures implemented to address fugitive dust is not mitigation. Further, such measures are necessary to address exposure to hazardous materials, which are likely present in the urban fill under the Site.

SUBSTANTIVE

10. Per CEQR guidance, utilized by the Applicant to analyze the air quality impacts of the parking facilities, both the mean travel distance for vehicles arriving/departing a level as well as through distance for "excess" vehicles should be used for the purpose of emission calculations. It looks as though half the width and two-thirds the length were used in the analysis.
11. To facilitate the technical review of the Applicant's analysis, the following modeling parameters used for the analysis should be provided in a technical appendix: number of exhaust vents analyzed; distance to receptor locations and garage exhaust vent.
12. To facilitate the technical review of the Applicant's analysis, the following input parameters for the AERSCREEN analysis should be provided in a technical appendix: Estimated Project Emission Rates; Stack Height; Stack Diameter; Exhaust Temperature; Exhaust Flowrate/Exit Velocity.
13. To facilitate the technical review of the Applicant's analysis, the model version of the AERSCREEN model utilized should be provided in a technical appendix.
14. The mitigation measures for potential air-quality impacts resulting from construction of the Proposed Project are not fully developed. Additional detail on the practices that will be utilized to mitigate impacts needs to be provided.

NOISE (CHAPTER III.J)

COMPLETENESS

1. [III.J-2] Exhibits III.J-1 and III.J-2, which are referenced on page III.J-2, are not included in the Chapter.
2. [III.J-7] A description of the potential impacts of noise from the HVAC systems of the Project, including those of the garages, must be included in the DEIS. Stating that the noise will be similar to existing sources of noise is not adequate.
3. [III.J-10] Stating that construction of the Project will comply with the Port Chester noise ordinance is not mitigation for the impacts of construction noise on nearby receptors. A discussion of mitigation measures, including the types of noise reducing equipment used on-Site, must be included in the DEIS.
4. [III.J-10] When giving the Applicant's opinion that an impact is not significant, make sure to state that it is the Applicant's opinion. Further, note that just because an impact will be temporary in nature (i.e., construction noise), does not automatically mean it will not be significant.

SUBSTANTIVE

5. While the construction sources for the Excavation phase of construction included in the BBN 1971 report on which the construction noise analysis is based included a "Rock Drill," the noise analysis does not address the impacts caused by the use of blasting or hydraulic hammers during construction. As the Applicant, states that both methods are considered likely in Chapter III.K, the

impacts of these methods must be considered. Hydraulic hammers and blasting have the potential to result in substantially higher noise levels than rock drilling.

6. Construction noise was calculated at each receptor location by assuming the total construction noise from the project site as a point source at the center of the site. This would tend to result in an under-estimate of construction noise at the receptors, particularly those that are relatively close to the project site, such as Abendroth Park, South Regent Street, and the Port Chester Nursing Home and Rehabilitation Center, located at distances approximately 120 to 500 feet from the project site. For a construction site on an approximately 450 foot by 350 foot area, with noise sources spread throughout the area, distances from each receptor to each individual noise source would vary widely, and assuming a site-total noise level at the center point of the project site under-estimates noise from sources close to the site boundary, which includes many construction noise sources, such as concrete trucks, concrete pumps, cranes, and dump trucks. Furthermore, the site boundaries are long compared to the distance to the adjacent receptors, and assuming a 6 dBA decrease in noise level per doubling of distance from the source (assuming 50 dBA as a reference distance) is appropriate for a point source, i.e., a source whose size is small compared to the distance between source and receptor. The noise chapter does point out that the size is large and that construction activity will move throughout the site during the construction period. However, during excavation and foundation work, which is when the heaviest construction equipment occurs, only limited pieces of equipment operate within the excavation area. Additionally, the BBN 1971 report from which the reference site-total noise levels are taken assumed the loudest construction noise source at a distance of 50 feet, and all other sources at a distance of 200 feet. Using 50 feet as a reference distance, as the construction noise analysis does, will result in an under-estimate of the noise levels at the receptors. If contributions from individual construction noise source cannot be computed individually and a site-total noise level is to be used, a more conservative method to calculate noise levels at adjacent receptors would be to assume a 3 dBA decrease in the site-total noise level per doubling of distance from the nearest point to the receptor along the site boundary.
7. The construction noise levels should be logarithmically added to the existing noise levels to determine total noise levels during the construction period and the incremental change in noise levels during the construction period should be shown. This incremental change should be compared to NYSDEC impact criteria. The duration of any potential exceedances of NYSDEC impact criteria should be estimated.
8. The traffic noise screening analysis does not include all of the receptor locations at which existing noise level measurements were conducted. Potential increases in traffic on Inwood Avenue, Touraine Avenue, and Gilbert Place should be examined. If there is no potential for the Proposed Project to result in increased traffic on these roads, this should be stated.
9. The Applicant should confirm that there have been no material changes that would affect the May 2010 ambient monitoring, as it is nearly five years old.
10. If the Applicant is considering construction on the weekends, as allowed by the Noise Ordinance, the Applicant must conduct ambient monitoring during that period to determine the baseline. Adjusting for traffic levels would not be sufficient as I-287 and aircraft overflights are strong contributors to the existing noise levels.

FORMATTING & TYPOGRAPHICAL

11. [III.J-4] The last two paragraphs on page III.J-4 repeat, verbatim, text earlier on the page. The repeated text should be removed.

CONSTRUCTION (CHAPTER III.K)

OVERVIEW

1. Additional comments on the Air Quality and Noise impacts from construction can be found in our comments on Chapters III.I and III.J.
2. The three subsections of Chapter III.K (i.e., the nature and extent of the proposed construction; the impacts of the proposed construction; and, the mitigation measures proposed for those impacts) often contain repeated text. To the extent possible, the text in each subsection should not repeat.

COMPLETENESS

3. [III.K-3] Will the Project Site be developed in phases? The “Site Construction” section of Table III.K-1 states that site construction will be a single phase that lasts two years. However, it does not provide details on which portions of the site will be developed first or in what order.
4. [III.K-3] In Table III.K-1, there is a line item for determining the limit of disturbance (LOD). Should this read staking out the LOD, rather than determining the LOD?
5. [III.K-4] The pDEIS does not provide an estimate of the number of workers anticipated on-Site during construction, nor an analysis of the capacity of the Site to accommodate on-Site parking during construction of the Proposed Project. This is especially important as the Project is anticipated to develop nearly the entire site.
6. [III.K-5] The second sentence of the “Security” subsection on Page III.K-5 is confusing. Security measures and fugitive dust impacts should not be discussed in the same subsection.
7. [III.K-6] The first complete paragraph of III.K-6, beginning “Security measures that...” does not belong in the Chapter dealing with Construction impacts.
8. [III.K-6] The potential impacts from blasting on vehicular and pedestrian traffic, as well as on the structural integrity of surrounding buildings, needs to be described.
9. [III.K-7] Details on the sediment and erosion control measures proposed to be utilized during construction, (e.g., the mitigation measures) need to be described. Stating that the Applicant will comply with NYS and Village regulations is not sufficient. To the extent that this information is provided in previous chapters, this section should reference the appropriate section of the pDEIS.
10. [III.K-8] A Blasting Plan has not been provided. The DEIS must include information on the measures the Applicant intends to take to mitigate the impacts of blasting, including establishing baseline conditions that allow an assessment of impacts from vibration.

SUBSTANTIVE

11. Exhibits that visually depict where various construction activities would be located on-Site throughout the various phases of the development would be instructive. For example, where will debris, soil, and rock be stored? Where will Site access and parking be for workers, material delivery, etc.?
12. [III.K-1] Is the Applicant considering any other methods of pest control besides trapping?
13. [III.K-1] Is it reasonable to assume that truck trips associated with the removal of demolition and excavation debris will be uniformly distributed throughout that phase of construction? What is the number of peak truck trips associated with the removal of demolition and excavation debris?
14. [III.K-6] The “Construction Management Plans” referenced on page III.K-6 should be more fully explained. What would the contents of the plan include? Who would approve the plans? How would the plans be enforced?

15. An additional environmental impact that must be addressed as the applicant prepares more in-depth analyses is the maintenance and protection of traffic during construction. Specifically, detours, lane closures, etc. must be discussed with regards to the installation of utilities in Boston Post Road.

FORMATTING AND TYPOGRAPHICAL

16. [III.K-1] The second sentence of the last paragraph should be changed to, “Sediment and erosion control measures will be applied in accordance with the [mitigation measures set forth in Section III.K.2].” Referring the reader to the SWPPP is not appropriate.
17. [III.K-2] The language in the middle two paragraphs of page III.K-2 repeats itself. This language should be consolidated.

SOUTHERN GATEWAY MIXED USE OVERLAY ZONE (CHAPTER III.L)

OVERVIEW

1. [III.L] The Applicant states that only a portion of the Overlay District would likely be redeveloped. A term for this redevelopment area (i.e., 'Overlay Redevelopment Area', or, if just the Kohl's parcel, 'Kohl's') should be developed and used.
 - a. Explain *why* the Applicant believes that only a portion of the Overlay District would be redeveloped.
 - b. Explain why it is reasonable to assume that the current buildings on the redevelopment site would remain? Should the analysis assume a blank slate, which would allow more flexibility with regards to the site plan?
 - c. Eliminate the reference (as noted above) to preliminary discussions with the Village.
2. [III.L] As the environmental impacts of the Overlay District option of the Proposed Action were not thoroughly addressed in the technical chapters of the DEIS, this Chapter must include a full description of the existing conditions within the Overlay District Site. In addition, the evaluation of impacts in each environmental category should focus only on the development likely to occur based on the adoption of the Overlay District. Discussing the lack of impacts on sites that would not be redeveloped is not instructive outside of the Land Use discussion.
3. [III.L] This Chapter would benefit from the inclusion of an Exhibit that shows the boundaries of the Overlay District on an aerial base. The Exhibit should include lot lines and acreages for the parcels within the Overlay District. In addition, Exhibit(s) showing on which lots the Applicant believes the Overlay District would result in development would be instructive.
4. [III.L] This Chapter should clearly focus on presenting the full range of environmental impacts of the Overlay District option of the Proposed Action and state that those impacts assume that the Proposed Project has been previously constructed as part of the 'no-build' condition, where appropriate. Therefore, the impacts presented in this Chapter are focused on the potential for the Overlay District to have environmental impacts that result from new development outside of the Project Site. Further, those impacts are assumed to be in addition to those generated by the Proposed Project (and as discussed above, the PMU option of the Proposed Action).
5. [III.L] This Chapter should include an analysis of the impacts of development without the density bonus. While assessing a 'worst-case' scenario is instructive, the density bonus is not 'as-of-right' and therefore the 'base-case' should also be evaluated. Explain the basis for assuming the same bonus as sought by the Proposed Project as a 'worst-case' scenario, including the reasonableness of the same uses (e.g., hotel).
6. [III.L-6] The discussion of alternative site access in the vicinity of Sound Shore Tennis and the potential BRT station impacts are not presented in Chapter III.L. Rather, they are discussed in

Chapter III.E. The impacts of the Overlay District should either be completely within each technical chapter, or completely within Chapter III.L.

COMPLETENESS

7. [III.L-4] The visual impacts of development under the Overlay Zone option of the Proposed Action are not adequately described or analyzed.
8. [III.L-5] The discussion of water and sewer generation from the new development associated with the Overlay Zone option of the Proposed Option should include a description of the available capacity of the water and sewer districts to serve the new development. The increment above the existing condition on the Kohl's site should be analyzed separately from the current usage of that Site.
9. [III.L-6] The discussion of traffic and transportation impacts associated with the Overlay District option of the Proposed Action is incomplete. LOS comparisons should be presented for current, no-build (Proposed Project w/ Mitigation), and Overlay District Development scenarios. Table III.L-4 does not allow the reader to understand the traffic impacts of the Overlay District.
10. [III.L-6] The analysis of the traffic impacts of the Overlay District does not identify potential mitigation measures for traffic generated by development within the Overlay District. Without this discussion, the Lead Agency cannot determine whether the potential impacts of the Proposed Action can be mitigated.
11. [III.L-7] The method by which the number of school children within the Overlay District was estimated needs to be stated. Per the Adopted Scope, the estimates need to use the same methodologies as the Proposed Project.
12. [III.L-7] The Adopted Scope requires the analysis of the tax revenue generated by development within the Overlay District, as well as the fiscal benefits to the Village in terms of density bonus incentive payments. Neither of these are discussed in the pDEIS.
13. [III.L-8] The discussion of the potential air and noise impacts related to the Overlay District option of the Proposed Action should be revised based on the increased level of specificity and comparison with the current conditions and no-build conditions that is required of the Overlay District's traffic analysis.

SUBSTANTIVE

14. [III.L-4] In the discussion of the Stormwater impacts of the Overlay District, confirm that there would be no increase in impervious surfaces from development of the Overlay Redevelopment Area.
15. [III.L-8] Justification for the assertion of the Applicant's opinion that there would be no space on the redevelopment site to provide recreation or outdoor amenities needs to be included. Simply stating that there is no room for outdoor space is not sufficient.
16. [III.L-8] The analysis of impacts on cultural resources (historic and archaeological) from the Overlay District option of the Proposed Action needs to include a discussion of the potential for development to affect properties and structures listed, or eligible for listing, on the National Register.

ALTERNATIVES (CHAPTER IV)

COMPLETENESS

1. [IV-1] The analysis of the "No Action" alternative should be augmented. It should include a more complete description of what would happen to the Project Site in the absence of the Proposed

Project and as well what impacts (adverse and beneficial) would not occur. In addition, it does not appear viable to leave the existing buildings on the Site indefinitely; thus, is demolition the likely No Action if the Project Site is not developed?

2. [IV-1] The "No Action" alternative should also include an analysis of the remainder of the Overlay District so that the reader can understand the current development potential of the Overlay District Site, particularly the Kohl's Site, under the existing zoning. Without this description, the analysis of potential future build conditions under the Overlay District does not give the reader a complete understanding of the environmental impacts associated with the increment of development allowed by the Proposed Overlay District Action. For example, water and sewer generation rates for potential build-out under existing zoning should be provided for this 'No Action' alternative.
3. [IV-1] The analysis of the "Development Under Existing Zoning" alternative should include more information on why the Applicant believes that this alternative is not viable. Include information on the comparative density of the Proposed Project with other successful mixed-use projects, as presented elsewhere in the DEIS, to support the assertion that developing at a lower density is not viable.
4. [IV-1] The analysis of the "Redevelopment of the Property as Hospital Use" alternative needs to be more fully described in this Chapter and the impacts of that alternative should be compared to the Proposed Project. For example, describe how the stormwater on the Site would continue to be managed, and what the impacts to traffic would be with the addition of the hospital trips and the current roadway configuration. In addition, the text seems to assume that this alternative is considered to be viable by the Applicant. If that is correct, the text should explain why a reuse today as a medical facility would survive, given the closing of the Hospital.
5. [IV-2] The "Alternative Redevelopment Proposals" alternative needs to include more analysis of the impacts of the options within that alternative so the Lead Agency can compare the impacts with those of the Proposed Project, especially in areas where the impacts would differ. This alternative should include a discussion of traffic impacts, visual impacts, community character impacts, and site layout impacts. The impacts of each alternative redevelopment proposal (i.e., Conference Center, Owner-Occupied Housing) should be discussed separately in this section. The discussion should address whether the addition of certain uses (e.g., a full-service hotel) would preclude or reduce other uses.
6. [IV-2] In the analysis of "Alternative Site Plan Proposals", the description of the number of school children estimated by the increased number of residential uses is confusing and appears contradictory.
7. [IV-2] Clearly separate the options for the "Alternative Site Plan Proposals" alternative and discuss the impacts of each in a separate subsection. Each option should identify the salient differences from the Proposed Project and the resulting changes in impacts that would be expected from each option. The current analysis of this alternative is inadequate for the Lead Agency to compare the alternative impacts with that of the Proposed Project.
8. [IV-3] The discussion of the "Reduced Parking Alternative" implies that the Applicant has utilized a 'reduced parking' alternative as part of the Proposed Project. Confirm that this is the case and explain how the 'baseline' parking figure was calculated. The relative impacts of the 'reduced' and 'baseline' parking alternatives must be discussed in this section so the reader can understand the environmental implications of each alternative.
9. [IV-3] The discussion of the impacts of the "Alternative Site Access" alternative is not complete. The option(s) for achieving alternative site access need to be clearly defined and the relative impact of each needs to be analyzed. This analysis should include impacts that differ from the Proposed Project, including, but not limited to, traffic and transportation, visual resources, site access and circulation, community character.

10. [IV-4] A more complete explanation of why the Applicant does not believe that keeping the 999 High Street building is viable must be presented. Otherwise, this section must include a more complete discussion of the differences in environmental impacts (construction, visual, fiscal, traffic, community character, site circulation) of keeping 999 High Street as compared to the Proposed Project.
11. [IV-4] The "Alternative Public Benefits" section should clearly state that this alternative applies to the Overlay District option of the Proposed Action. Further, this section should identify the public benefits proposed by the Applicant in their petition to qualify for FAR bonuses and specifically state the additional, or replacement, public benefits that this alternative is proposing. As written, it is unclear what portions of the traffic, water, sewer, and property tax benefits the Applicant is proposing to count toward the FAR bonus and how those benefits would be calculated.
12. The Alternative commercial/residential ratio for the proposed Overlay District does not discuss an increase in the non-residential percentage, although the text suggests that such an increase would be beneficial. In addition, the comparison to the Proposed Project's ratio is not dispositive with regard to alternative ratios for the Overlay District.
13. The paragraph on the Alternative Public Benefits for increasing the FAR for the Proposed Overlay District does not identify the types of public benefits that the Applicant proposes to add to the proposed zone and the attendant rationale. The suggestion that the Applicant might be willing to participate in a particular program is not a sufficient discussion, as it needs to apply to the Overlay District as a whole and not just be applicable to the Project. Further, there should be a discussion of the nexus between increased FAR and the public benefits.

SUBSTANTIVE

14. [IV-1] Confirm whether a variance would be required for re-occupancy of the Hospital or if re-occupancy would be allowed as a pre-existing non-conforming use.
15. [IV-2] Using Doral Arrowwood as a proxy for the type of conference center that could be accommodated on the Project Site is not illustrative. A more contextually appropriate example of a hotel/conference center on a single site without the expansive outdoor amenities should be used. Examples include the Rye Town Hilton, Westchester Marriott, Tarrytown Doubletree, or Renaissance Westchester.

FORMATTING AND TYPOGRAPHICAL

16. [IV-3] The Exhibit number in the first sentence of page IV-3 is missing.
17. [IV-4] The last sentence on page IV-4 seems incomplete or missing a key phrase.
18. [IV-Ex IV-1 and 2] Exhibits IV-1 and IV-2 are misnumbered.
19. There appears to be an extra page at the end of this Chapter that is numbered, "V-5."

SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED (CHAPTER V)

COMPLETENESS

1. [V-2] Impacts to soil and bedrock, from the large excavation required, should be noted as a significant adverse impact that cannot be avoided.

GROWTH INDUCING CUMULATIVE AND SECONDARY IMPACTS (CHAPTER VI)*COMPLETENESS*

1. [VI-1] The growth-inducing and secondary impacts of the Overlay District option of the Proposed Action are not addressed.

COMMITMENT OF RESOURCES; EFFECTS ON ENERGY (CHAPTER VII)*COMPLETENESS*

1. [VII] The references to 'residences' and 'residential development' should be changed to 'mixed-use development' and/or 'project buildings' to acknowledge the fact that all of the Project's components will utilize energy.
2. [VII] The impacts on the use and conservation of energy for the Overlay District option of the Proposed Action are not included.

APPENDICES*COMPLETENESS*

1. [App A.] Include a cover sheet for each document presented in the Appendix that clearly identifies the name and date of each document. Without those, it is very difficult to navigate the Appendix and understand what is included and what the relationship between the documents is.
2. [App B.] Include any responses from the Police, Fire, and EMS providers to the letters sent requesting information on impacts.
3. [App B.] The 2013 memos from Village Staff to the Village Board do not seem relevant to the SEQR review of this Application and most likely do not belong in the DEIS.



VILLAGE OF PORT CHESTER
DEPARTMENT OF PLANNING & DEVELOPMENT
222 Grace Church Street, Rm. 202
Port Chester, NY 10573
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Christopher Gomez, AICP Director
Jessica Youngblood, MCP Planner
Connie Phillips, Planning Commission Secretary

From: Christopher Gomez, AICP, Director of Planning and Development

To: Mayor Pagano and Board of Trustees

Re: Trustee Comments on Starwood Preliminary Draft Environmental Impact Statement (EXHIBIT B)

CC: C. Steers, T. Cerreto, J. Richards, D. Rotfeld, J. Youngblood, P. Feroe, N. Peek, M. Chertok, M. O'Rourke

Date: February 11, 2015

Please find the Board's compiled comments regarding the December 31, 2014 preliminary Draft Environmental Impact Statement (DEIS) submitted by the applicant, PC406 BPR, LLC and PC 999 High Street Corp. for the redevelopment of the former United Hospital site (Exhibit B).

Note that these completeness comments, in addition to those provided by the Village's consultants in a memorandum dated January 28, 2015 (Exhibit A), can be formally adopted and officially distributed to the applicant via the attached resolution at the February 17, 2015 meeting. Note that the Board of Trustees as Lead Agency has the discretion to adopt all or some of the comments below for official distribution to the applicant:

1. The analysis was based on the 1st year of full occupancy and operation. Are any other significant adverse impacts expected earlier than this, and if so, were any of them identified?
2. The report calls for a current use and description of 999 High St. (Section II E). Will the report also outline the *intended* use of this property?
3. The report also mentions the 160 resident nursing home south of the UH development site. This fragile population of senior residents may be seriously affected by demolition and construction operations.
4. Since Starwood is backing off on Leadership in Energy & Environmental Design (LEED), what energy efficiencies are being considered instead?
5. Is bicycle transportation being addressed?
6. On P. 8, in section D 1. b. vi. of the scoping document, a discussion is called for on the sufficiency of water resources for domestic and commercial use, and firefighting purposes. This "discussion" should specifically address the paragraph under "Infrastructure" in the Comprehensive Plan:

"Currently Port Chester's water demand and maximum day demand is at or near the safe yield of the system. There are plans to build a larger clear well at the Aquarion Water plant in Greenwich, Connecticut, which is the major source of supply, making additional water available. Westchester Joint Water Works has additional water available, however new agreements to purchase more water would be required between the two water companies."

7. Fiscal Impacts

- Discuss effects of any Payment in Lieu of Taxes (PILOT) program associated with the proposed Project.
- Discuss ramifications of conversion of rental units to ownership units.

8. Workforce (Affordable) Housing

Compare the anticipated rents for the Project's market rate housing with the rent for workforce housing (to the extent such information is reasonably available).

In terms of fiscal impact, they don't seem to mention how much taxes would be generated without a PILOT, they also don't seem to discuss the impact of including ownership rather than all rental. Finally, I don't see any information on how the expected rents would compare under their plan vs workforce housing. Ideally, I'd like to see what the 1 and 2 bedroom units would sell for if they were affordable.



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Manager

BOT Meeting Date: 2/17/2015

Item Type: Resolution

Sponsor's Name: Anthony (Tony) Cerreto, Village Attorney

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	Business & Economic Development		
Agreement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

Agenda Heading Title
(Will appear on the Agenda as indicated below)

REVOCABLE LICENSE AGREEMENT TO ACCOMMODATE MATERIAL LIFT ELEVATOR AND VAULT FOR THE CAPITOL THEATRE

Summary

Background:

The newly reopened Capitol Theatre has received further planning and zoning review including a final site plan approval.

The approved site plan included the applicant's proposed enlargement of an opening to install a material lift elevator in space below the surface of the public sidewalk on Broad Street and rehabilitation of a vault under the sidewalk on Westchester Avenue.

Both areas enter into the Capitol and provide necessary ingress/egress of supplies.

The site plan approval was conditioned upon the applicants obtaining permission from the Board of Trustees in the form of a revocable license agreement.

Counsel for the applicants and the Village Attorney have negotiated such agreement which is presented for consideration and authorization to be given to the Village Manager.

The material provisions of the agreements are as follows:

\$10,000 payment.

Restricted scope

Obligation to defend and indemnify

Obligation to provide general liability insurance to Village requirements

Revocable on breach or public necessity

Renewal option

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

License Agreement

REVOCABLE LICENSE AGREEMENT TO ACCOMMODATE MATERIAL LIFT
ELEVATOR AND VAULT FOR THE CAPITOL THEATRE

On motion of TRUSTEE _____, seconded by TRUSTEE _____

the following resolution was adopted by the Board of Trustees of the Village of Port
Chester, New York:

WHEREAS, Capital Enterprises, Inc. and Capitol Theatre LLC d/b/a The Capitol Theatre operates a theater performance venue on real property located at 149-151 Westchester Avenue, Port Chester, New York, also known and designated as Section 142.30, Block 2, Lots 19 and 20 on the Tax Map of the Town of Rye, New York, (the “Subject Premises”); and

WHEREAS, they propose to enlarge the opening and install a material lift elevator in space below the surface of the public sidewalk on Broad Street and rehabilitate a corresponding vault with access panel on Westchester Avenue that are both contiguous to and enter upon the subject premises; and

WHEREAS, such improvements have been reviewed and approved in the final site plan approval granted by the Planning Commission subject to, among other things, authorization for same in the form of a revocable license agreement from the Board of Trustees; and

WHEREAS, the attorney for the theatre and the Village Attorney have negotiated the terms of such license agreement and present same for the Board’s consideration. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into a revocable license agreement with Capital Enterprises, Inc. and Capitol Theatre LLC d/b/a The Capitol Theatre, 149-151 Westchester Avenue, Port Chester, New York, in the form annexed, for the use and occupancy of the area under the surface of the public sidewalks on Broad Street and Westchester Avenue so as to accommodate a material lift elevator and vault.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

REVOCABLE LICENSE AGREEMENT

THIS AGREEMENT (the “Agreement”) dated as of February , 2015, is entered into by and between the VILLAGE OF PORT CHESTER, a municipal corporation duly organized under the laws of the State of New York, with offices at 222 Grace Church Street, Port Chester, New York 10573 (the “Village”) and CAPITOL ENTERPRISES, INC. and CAPITOL THEATRE LLC, doing business as THE CAPITOL THEATRE, with a place of business at 149-151 Westchester Avenue, Port Chester, New York 10573, (the “Licensee”) , and

WHEREAS, Licensee operates a theater performance venue (the “Theatre”) on real property located at 149-151 Westchester Avenue, Port Chester, New York, also known and designated as Section 142.30, Block 2, Lots 19 and 20 on the Tax Map of the Town of Rye, New York, (the “Subject Premises”); and

WHEREAS, Licensee proposes to enlarge the opening and install a material lift elevator in space below the surface of the public sidewalk on Broad Street and rehabilitate a corresponding vault with access panel to the public sidewalk on Westchester Avenue that are both contiguous to and enter upon the Subject Premises; and

WHEREAS, such improvements utilizes subsurface space in the public right-of-way which special use pre-dates the Licensee’s ownership and operation of the Subject Premises; and

WHEREAS, such improvements have been reviewed and approved in the final site plan approval granted by the Planning Commission subject to, among other things, authorization for same in the form of a revocable license agreement from the Board of Trustees.

NOW, THEREFORE, and in consideration of the promises and the mutual covenants hereinafter contained, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant, agree and bind themselves as follows:

1. Grant of License: Subject and pursuant to the terms and conditions contained within this Agreement, the Village, as Licensor, hereby grants to the Licensee, an exclusive, revocable license (the “License”) to encroach on the public right of way on Broad Street and Westchester Avenue, in the area shown on the approved final site plan, annexed hereto as Exhibit “A” (the “Licensed Area”).

2. Intended Use: The License herein granted shall solely be for the purpose of accommodating the enlargement of the opening and the installation of a material lift elevator and vault, together with the connections and related appurtenances, to be installed and placed below the surface of the public sidewalks on Broad Street and Westchester Avenue.

3. License Fee: With the execution of this Agreement, the Licensee shall make payment to the Village a fee in the amount of ten thousand dollars (\$10,000.00). .

4. Renewal: This License shall continue year to year on the anniversary date of this Agreement on the same terms and conditions unless either party notices the other of its' intention not to renew; such notification shall be made not less than thirty (30) days prior to the ensuing anniversary date..

5. Defense and Indemnification: The Licensee does hereby protect, defend, indemnify and hold harmless the Village, to the fullest extent permitted by law, against any and all claims, costs, judgments, liens, proceedings or actions, including reasonable attorney's fees and costs of defense, for damage to property or personal injury to persons arising out of Licensee's use and occupancy of the Licensed Area. The provisions of this paragraph shall survive the expiration, non-renewal or revocation of this Agreement.

6. Insurance. At all times throughout the term of this Agreement, the Licensee shall procure and maintain, at its own cost and expense, general liability insurance against loss from personal injury or death or damage to property caused by an accident or occurrence, with limits not less than one million dollars (\$1,000,000.00) per accident or occurrence, with limits of not less than two million dollars (\$2,000,000.00) in the aggregate, together with an excess liability policy of not less than five million dollars (\$5,000,000.00. All such insurance shall name the Village of Port Chester as an additional named insured. Such insurance shall be primary and non-contributory with no recourse against the Village. Any deductibles shall be assumed by the Licensee. The Licensee shall similarly procure and maintain workers compensation coverage for its' employees in such limits as required by law. All such insurance shall be from insurance companies authorized to write insurance in the State of New York and have an A.M. Best rating of least A-. The Licensee shall provide certificates of insurance and policies to the Village Attorney which shall be approved before execution of this Agreement.

7. Compliance: The Licensee shall at all times comply with all applicable federal, state and local laws and regulations with regard to the use and occupancy of the Licensed Area.

8. Interest Conferred: Licensee affirms that this Agreement authorizes the Licensee to use and occupy the Licensed Area for the limited purposes of the intended use as described herein and no other. The parties agree that the provisions of this Agreement do not constitute a lease and the rights of the Licensee are not those of a tenant. No leasehold or ownership interest in the premises is hereby conferred upon the Licensee. Licensee acknowledges that the Board's grant of a license is a discretionary action and that Licensee has no entitlement to a license or cause to make a claim in the event such grant is not renewed or revoked.

9. Revocation: This Agreement may be revoked by the Village:

A. For Cause: after a Notice to Cure has been given to the Licensee and Licensee has failed to cure same within the prescribed period stated therein.

B. For Public Necessity: after Notice has been given to the Licensee stating the nature of same and on such notice as the Village may deem reasonably practicable.

10. Notices: All notices and communications pursuant to this Agreement shall be given by the parties in writing and be deemed properly served if given by personal delivery or by certified mail return receipt requested at the address indicated in the Agreement. Notice shall be deemed given when it is personally received or posted.

Notice to the Village:

Village of Port Chester
Christopher D. Steers, Village Manager
222 Grace Church Street
Port Chester, N.Y, 10573

Notice to the Licensee:

Capitol Enterprises, Inc., Capitol Theatre, LLC.
c/o The Capitol Theatre
149-151 Westchester Avenue
Port Chester, New York 10573

With copy to:
The Law Office of

Anthony R. Tirone, Esq. P.C.
202 Mamaroneck Avenue, Suite 500
White Plains, New York 10601

11. Improvements: At the end of the term, non-renewal or revocation of this Agreement, the Licensee shall forthwith, and, at is' own cost and expense, remove the encroachment in the Licensed Area and restore the area to the satisfaction of the Village.

12. Assignment: This license is personal to the Licensee and shall not be assigned or transferred without prior written consent of the Village.

13. Compliance: The Licensee acknowledges and agrees to comply with all applicable federal, state and local laws and regulations with regard to the use and occupancy of the Licensed Area.

14. Governing Law/Dispute Resolution: This Agreement shall be governed by the laws of the State of New York. Any dispute between the parties shall be resolved through adjudication in a court of competent jurisdiction in the State.

15. Severability: Should any provision or paragraph of this Agreement be determined to be invalid, unconstitutional or otherwise unlawful, such determination shall not affect the

validity of the remaining provisions or paragraphs of this Agreement which shall remain in full force in effect.

16. Entire Agreement/Amendments: This Agreement represents the entire agreement between the parties and any prior understandings between them are of no force and effect. Any amendments to this Agreement shall be in writing and signed by an authorized representative of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year written.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

VILLAGE OF PORT CHESTER

By: _____
Christopher D. Steers, Village Manager

CAPITOL ENTERPRISES, INC., CAPITOL THEATRE,
LLC., doing business as The Capital Theatre

By:
Title _____

THE LAW OFFICE OF

Anthony R. Tirone, Esq., P.C.

202 MAMARONECK AVENUE, SUITE 500
WHITE PLAINS, NEW YORK 10601
TEL: 914-686-7007 • FAX: 914-686-7019

December 9, 2014

VIA U.S. REGULAR MAIL

Anthony M. Cerreto, Esq.
Village of Port Chester Attorney
222 Grace Church Street
Port Chester, NY 10573

**Re: License and Easement Agreement
Applicant: Capitol Enterprises, Inc., Capitol Theater LLC.
Location: 149-151 Westchester Avenue, Port Chester**

Dear Mr. Cerreto:

Enclosed for your review please find a copy of the proposed License and Easement Agreement relating to the above-reference applicant.

Kindly review the enclosed proposal and advise if there are any objectionable issues. If the terms are acceptable, we will convert the proposal into final form and have the applicant execute 3 (**three**) original sets. The applicant will procure and maintain at its own cost and expense, general liability insurance (see "Certificate of Liability Insurance" enclosed herein).

Further, please note that the site received Final Site Plan Approval from the Port Chester Planning Commission in March 2012 and received Zoning Board Approval in February 2012. The license and easement fee of *Ten Thousand (\$10,000.00)* dollars is being held in escrow. Upon approval and execution of the enclosed License and Easement Agreement, the fee will be released.

If you have any questions, please do not hesitate to contact my office.

Respectfully Submitted,

Anthony R. Tirone

ART/sm
Enclosure

LICENSE AND EASEMENT AGREEMENT

THIS LICENSE AND EASEMENT AGREEMENT (the "Agreement") dated December, 2014 is entered into by and between:

THE VILLAGE OF PORT CHESTER, a municipal corporation duly organized and existing under the laws of the State of New York, with offices at 222 Grace Church Street, Port Chester, New York 10573 (the "Village"), as "Licensor" and "Grantor"; And
CAPITOL ENTERPRISES, INC., CAPITOL THEATRE LLC, THEIR SUCCESSORS AND/OR ASSIGNS, DOING BUSINESS AS THE CAPITOL THEATRE, ITS SUCCESSORS AND/OR ASSIGNS, 149-151 WESTCHESTER AVENUE, PORT CHESTER, NEW YORK as "Licensee" and "Grantee", a limited liability corporation and a corporation both incorporated under the laws of the State of New York, with their principal offices located at 149-151 Westchester Avenue, Port Chester, New York 10573.

WHEREAS, the Licensee and Grantee operates a theatre performance space along with associated business entities in the building on real property located at 149-151 Westchester Avenue, Port Chester, also known and designated as Section 142.30, Block 2, Lot 19, on the Tax Map of the Town of Rye; and the Licensee and Grantee has entered into a leasehold/use agreement with its wholly owned related subsidiaries for the operation of a bar, restaurant and brewpub facility on part of the same real property owned by the Licensee and Grantee; and

WHEREAS, the Licensee/Grantee herein The Capitol Theatre has received all planning and zoning approvals necessary to permit the operation of a theatre performance space and bar facility on the interior and as necessary, on the exterior of the premises; and

WHEREAS, the various Village approvals, Village retained engineering studies, approved building plans, NYS Building Code requirements and the operational planning logistics of The Capitol Theatre and associated entities, as listed above, call for and mandate the rehabilitation, extension and installation of a material lift elevator on Broad Street and the corresponding access/egress panel on Westchester Ave., both contiguous and entering into the buildings and real property enumerated herein. The material lift and access/egress panel are both preexisting sidewalk vault openings that have physically been in place and in existence since the construction of the theatre facility and contiguous buildings which retain the same preexisting vault footprint in the Broad Street and Westchester Avenue sidewalks;

The material lift and access panel along with the necessary connections and related appurtenances or equipment supports have been installed and approved pursuant to The VPC Planning Board FSPA of March 2012. They have been rehabilitated and re-placed permanently under and below the surface of the Village-owned sidewalks and walkways on the Broad Street and Westchester Avenue sides of the subject premises which encroach on the Village surface and subterranean right-of-way in a non-significant respect.

The location and degree of the non-significant encroachment on the Village's right-of-way is reflected on the attached drawing which is part of the approved building permits and Planning Board Approval, and is attached hereto and made part hereof as **Exhibit A**.

NOW, THEREFORE, and in consideration of the promises and the mutual covenants hereinafter contained, between **THE VILLAGE OF PORT CHESTER** and **CAPITOL ENTERPRISES, INC., CAPITOL THEATRE LLC, THEIR SUCCESSORS AND/OR ASSIGNS, DOING BUSINESS AS THE CAPITOL THEATRE, ITS SUCCESSORS AND/OR ASSIGNS, 149-151 WESTCHESTER AVENUE, PORT CHESTER, NEW YORK** and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant, agree and bind themselves as follows:

1. **Grant of License and Easement:** Subject and pursuant to the terms and conditions contained within this Agreement, **THE VILLAGE OF PORT CHESTER**, as *Licensor* and *Grantor*, hereby licenses and grants to **CAPITOL ENTERPRISES, INC., CAPITOL THEATRE LLC, THEIR SUCCESSORS AND/OR ASSIGNS, DOING BUSINESS AS THE CAPITOL THEATRE, ITS SUCCESSORS AND/OR ASSIGNS, 149-151 WESTCHESTER AVENUE, PORT CHESTER, NEW YORK**, the *Licensee* and *Grantee*, an exclusive irrevocable License and Easement (the “**License**” “**Easement**”) to encroach on the public right of way on Broad Street and Westchester Avenue, as shown in the plan, annexed hereto as **Exhibit “A”** (the “**Licensed Area**”).

2. **Intended Use:** The License and Easement herein granted shall be for the purpose of accommodating the Licensee’s and Grantee’s extension and installation of material lift elevator and access panel along with the connections and related appurtenances or equipment to be installed and placed permanently on, under and below the surface of the Village-owned sidewalks and walkways on the Broad Street and Westchester Avenue side of the subject premises, which will encroach on the Village surface and subterranean right-of-way over and under the sidewalk.

3. **License and Easement Term:** The License and Easement is for a term commencing from the date a Certificate of Occupancy is issued into perpetuity and shall never have to be renewed.

4. **License and Easement Fee:** The onetime License and Easement fee is **TEN THOUSAND Dollars (\$10,000.00)** which shall cover the period from the issuance into perpetuity and shall never have to be renewed.

5. **Renewal:** N/A This License and Easement shall continue year-to-year thereafter on the same terms and conditions unless either party notices the other party of its intention not to renew no less than thirty (30) days prior to the expiration of the License and Easement term.

6. **Defense and Indemnification:** The Licensee and Grantee does hereby agree to defend and indemnify the Village of Port Chester, to the fullest extent permitted by law, only for the Licensee’s and Grantee’s own negligence and to further indemnify the Village against any and all claims, costs, judgments, liens or actions, including reasonable attorneys’ fees and costs of defense, for damage to property or personal injury to persons arising out of the Licensee’s and Grantee’s use and occupancy of the Licensed Area as referenced herein. The provisions of this paragraph shall not survive the expiration or termination of this agreement.

7. **Insurance**: At all times throughout the term of this Agreement, the Licensee and Grantee shall procure and maintain, at its own cost and expense, general liability insurance against loss arising from personal injury or death or damage to property caused by any accident or occurrence, with limits of not less than \$1 million dollars per accident or occurrence, with limits of not less than two million dollars in the aggregate, together with an excess liability policy of not less than five million dollars. All such insurance shall name the Village of Port Chester as an additional named insured. Such insurance shall be primary and non-contributory with no recourse against the Village. Any deductibles shall be assumed by the Licensee and Grantee. The Licensee and Grantee shall similarly procure and maintain workers compensation coverage for its employees in such limits as required by law. All such insurances shall be from insurance companies authorized to write insurance in New York and have an A.M. Best rating of at least A-1. The Licensee and Grantee shall provide certificates of insurance and policies to the Village Attorney which shall be approved before execution of this Agreement.

8. **Compliance**: The Licensee and Grantee shall comply with all applicable federal, state and local laws and regulations with regard to the use and occupancy of the Licensed Area.

9. **Interest Conferred**: The Licensee and Grantee affirms that this Agreement authorizes it to occupy the Licensed Area for the limited purposes of the intended use as described herein and no other. The parties agree that the provisions of this Agreement do not constitute a lease and the rights of the Licensee and Grantee are not those of a tenant. No leasehold or ownership interest in the Licensed Area is hereby conferred upon the grant of this Agreement.

10. **Revocation**: This Agreement may be revoked by the Village:

- A. For Cause; after a Notice to Cure has been given served on the Licensee and Grantee within the prescribed period given along with described condition and time to cure.
- B. For Public Necessity; after Notice has been served on the Licensee and Grantee of the Public Necessity to the extent reasonably practicable.

11. **Notices**: All notices and communications pursuant to this Agreement shall be given by the parties in writing and be deemed served if given by personal delivery or by certified mail RRR addressed to the parties at the address indicated in the Agreement. Notice shall be deemed given when it is personally received or posted.

NOTICE to the Village:

***THE VILLAGE OF PORT CHESTER
C/O VILLAGE MANAGER
222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573***

NOTICE to the Licensee and Grantee:

***CAPITOL ENTERPRISES, INC., CAPITOL THEATRE LLC,
c/o THE CAPITOL THEATRE
149-151 WESTCHESTER AVENUE
PORT CHESTER, NEW YORK 10573***

With copy to:

THE LAW OFFICE OF
Anthony R. Tirone, Esq., P.C.
202 MAMARONECK AVENUE, SUITE 500
WHITE PLAINS, NEW YORK 10601

12. **Improvements:** At the completion of the work or at end of the term or revocation of this Agreement, the Licensee and Grantee shall forthwith, and, at its own cost and expense, remove the encroachment in the Licensed Area and restore the area to the satisfaction of the Village.

13. **Assignment:** The License and Easement granted under this Agreement is personal to the Licensee and Grantee and can be transferred or assigned.

14. **Governing Law/Dispute Resolution:** This Agreement shall be governed by the laws of the State of New York. Any dispute between the parties shall be resolved through adjudication in a NYS court of competent jurisdiction.

15. **Severability:** Should any provision or paragraph of this Agreement be determined to be invalid, unconstitutional or otherwise unlawful, such determination shall not affect the validity of the remaining provisions or paragraphs of this Agreement which shall remain in full force and effect.

16. **Entire Agreement/Amendments:** This Agreement represents the entire agreement between the parties and any prior understandings between them, whether in writing or oral, are of no force and effect. Any amendments to this Agreement shall be in writing and signed by an authorized representative of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this _____ day December 2014.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

Dated: December ____, 2014
Port Chester, NY

THE VILLAGE OF PORT CHESTER

By: _____
Christopher D. Steers, Village Manager

Capitol Enterprises, Inc., Capitol Theatre LLC,
doing business as The Capitol Theatre
149-151 Westchester Avenue, Port Chester, New York

Dated: December ____, 2014
Port Chester, NY

By: _____

Witness hereof by:

Anthony R. Tirone, Esq.



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Manager

BOT Meeting Date: 2/17/2015

Item Type: Resolution

Sponsor's Name: Anthony (Tony) Cerreto, Village Attorney

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	Business & Economic Development		
Agreement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

Agenda Heading Title
(Will appear on the Agenda as indicated below)

REVOCABLE LICENSE AGREEMENT TO ACCOMMODATE STORM WATER RUN-OFF LINES, ETC. FOR NEW RESTAURANT/BAR AT 126 NORTH MAIN STREET

Summary

Background:

The Planning Commission has granted final site plan approval for a new restaurant/bar at 126 North Main Street.

The site plan approval is subject to a condition that the applicant obtain permission from the Board of Trustees in the form of a revocable license agreement to install storm water run-off lines, etc. below the surface of the public sidewalk.

Counsel for the applicants and the Village Attorney have negotiated such agreement which is presented for consideration and authorization to be given to the Village Manager.

The material provisions of the agreements are as follows:

\$10,000 payment.

Restricted scope

Obligation to defend and indemnify

Obligation to provide general liability insurance to Village requirements

Revocable on breach or public necessity

Renewal option

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

License Agreement

REVOCABLE LICENSE AGREEMENT TO ACCOMMODATE STORM WATER
RUN-OFF LINES, ETC, FOR NEW RESTAURANT AT 126 NORTH MAIN STREET

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the following
resolution was adopted by the Board of Trustees of the Village of Port Chester, New
York:

WHEREAS, Stratmar Equities, Inc. operates a retail/office building on real
property located at 126 North Main Street, Port Chester, New York, also known and
designated as Section 142.23, Block 1, Lot 33 on the Tax Map of the Town of Rye, New
York, (the “Subject Premises”); and

WHEREAS, it has entered into a leasehold agreement with a restaurateur for the
first floor and basement space of the Subject Premises with a New York domestic
corporation known as Reese Willow LLC d/b/a “Rye House” for the operation of a
restaurant/bar facility; and

WHEREAS, it proposes to extend and install storm water run-off lines, culverts,
drains, connections and related appurtenances under the surface of the public sidewalk on
North Main Street contiguous to the Subject Premises; and

WHEREAS, such improvements have been reviewed and approved in the final
site plan approval granted by the Planning Commission subject to, among other things,
authorization for same in the form of a revocable license agreement from the Board of
Trustees; and

WHEREAS, the attorney for Stratmar Equities and the Village Attorney have
negotiated the terms of such license agreement and present same for the Board’s
consideration. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into a
revocable license agreement with Stratmar Equities Inc., 126 North Main Street, Port
Chester, New York, in the form annexed, for the use and occupancy of the area under the
surface of the public sidewalk and roadway so as to accomodate storm water run-off lines
etc. for the new restaurant at said premises.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

REVOCABLE LICENSE AGREEMENT

THIS AGREEMENT (the “Agreement”) dated as of February , 2015, is entered into by and between the VILLAGE OF PORT CHESTER, a municipal corporation duly organized under the laws of the State of New York, with offices at 222 Grace Church Street, Port Chester, New York 10573 (the “Village”) and STRATMAR EQUITIES, INC., with a place of business at 126 North Main Street, Port Chester, New York 10573, (the “Licensee”), and

WHEREAS, Licensee operates a retail/office building on real property located at 126 North Main Street, Port Chester, New York, also known and designated as Section , Block , Lot on the Tax Map of the Town of Rye, New York, (the “Subject Premises”); and

WHEREAS, Licensee has entered into a leasehold agreement for the first floor and basement space of the Subject Premises with a New York domestic corporation known as Reese Willow LLC d/b/a “The Rye House” for the operation of a restaurant/bar facility; and

WHEREAS, Licensee proposes to extend and install storm water run-off lines, culverts, drains, connections and related appurtenances under the surface of the public sidewalk and roadway on North Main Street contiguous to the Subject Premises; and

WHEREAS, such improvements have been reviewed and approved in the final site plan approval granted by the Planning Commission subject to, among other things, authorization for same in the form of a revocable license agreement from the Board of Trustees.

NOW, THEREFORE, and in consideration of the promises and the mutual covenants hereinafter contained, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant, agree and bind themselves as follows:

1. Grant of License: Subject and pursuant to the terms and conditions contained within this Agreement, the Village, as Licensor, hereby grants to the Licensee, an exclusive, revocable license (the “License”) to encroach on the public right of way on Willett Avenue, in the area shown on the approved final site plan, annexed hereto as Exhibit “A” (the “Licensed Area”).

2. Intended Use: The License herein granted shall solely be for inducing the issuance of a certificate of occupancy by providing for the extension and installation of storm run-off lines, culverts, drains, connections and related appurtenances to be installed and placed below the surface of the public sidewalk and roadway on Willett Avenue to accommodate the proposed restaurant/bar.

3. License Fee: With the execution of this Agreement, the Licensee shall make payment to the Village a fee in the amount of ten thousand dollars (\$10,000.00).

4. Commencement Date: The license hereunder shall commence upon the issuance of a certificate of occupancy.

5. Renewal: This License shall continue year to year on the anniversary date of this Agreement on the same terms and conditions unless either party notices the other of its' intention not to renew; such notification shall be made not less than thirty (30) days prior to the ensuing anniversary date..

6. Defense and Indemnification: The Licensee does hereby protect, defend, indemnify and hold harmless the Village, to the fullest extent permitted by law, against any and all claims, costs, judgments, liens, proceedings or actions, including reasonable attorney's fees and costs of defense, for damage to property or personal injury to persons arising out of Licensee's use and occupancy of the Licensed Area. The provisions of this paragraph shall survive the expiration, non-renewal or revocation of this Agreement.

7. Insurance. At all times throughout the term of this Agreement, the Licensee shall procure and maintain, at its own cost and expense, general liability insurance against loss from personal injury or death or damage to property caused by an accident or occurrence, with limits not less than one million dollars (\$1,000,000.00) per accident or occurrence , with limits of not less than two million dollars (\$2,000,000.00) in the aggregate, together with an excess liability policy of not less than five million dollars (\$5,000,000.00. All such insurance shall name the Village of Port Chester as an additional named insured. Such insurance shall be primary and non-contributory with no recourse against the Village. Any deductibles shall be assumed by the Licensee. The Licensee shall similarly procure and maintain workers compensation coverage for its' employees in such limits as required by law. All such insurance shall be from insurance companies authorized to write insurance in the State of New York and have an A.M. Best rating of least A-. The Licensee shall provide certificates of insurance and policies to the Village Attorney which shall be approved before execution of this Agreement.

8. Compliance: The Licensee shall at all times comply with all applicable federal, state and local laws and regulations with regard to the use and occupancy of the Licensed Area.

9. Interest Conferred: Licensee affirms that this Agreement authorizes the Licensee to use and occupy the Licensed Area for the limited purposes of the intended use as described herein and no other. The parties agree that the provisions of this Agreement do not constitute a lease and the rights of the Licensee are not those of a tenant. No leasehold or ownership interest in the premises is hereby conferred upon the Licensee. Licensee acknowledges that the Board's grant of a license is a discretionary action and that Licensee has no entitlement to a license or cause to make a claim in the event such grant is not renewed or revoked.

10. Revocation: This Agreement may be revoked by the Village:

A. For Cause: after a Notice to Cure has been given to the Licensee and Licensee has failed to cure same within the prescribed period stated therein.

B. For Public Necessity: after Notice has been given to the Licensee stating the nature of same and on such notice as the Village may deem reasonably practicable.

11. Notices: All notices and communications pursuant to this Agreement shall be given by the parties in writing and be deemed properly served if given by personal delivery or by certified mail return receipt requested at the address indicated in the Agreement. Notice shall be deemed given when it is personally received or posted.

Notice to the Village:

Village of Port Chester
Christopher D. Steers, Village Manager
222 Grace Church Street
Port Chester, N.Y, 10573

Notice to the Licensee:

Stratmar Equities, Inc.
126 North Main Street
Port Chester, New York 10573

With copy to:
The Law Office of

Anthony R. Tirone, Esq. P.C.
202 Mamaroneck Avenue, Suite 500
White Plains, New York 10601

12. Improvements: At the end of the term, non-renewal or revocation of this Agreement, the Licensee shall forthwith, and, at is' own cost and expense, remove the encroachment in the Licensed Area and restore the area to the satisfaction of the Village.

13. Assignment: This license is personal to the Licensee and shall not be assigned or transferred without prior written consent of the Village.

14. Compliance: The Licensee acknowledges and agrees to comply with all applicable federal, state and local laws and regulations with regard to the use and occupancy of the Licensed Area.

15. Governing Law/Dispute Resolution: This Agreement shall be governed by the laws of the State of New York. Any dispute between the parties shall be resolved through adjudication in a court of competent jurisdiction in the State.

16. Severability: Should any provision or paragraph of this Agreement be determined to be invalid, unconstitutional or otherwise unlawful, such determination shall not affect the validity of the remaining provisions or paragraphs of this Agreement which shall remain in full force in effect.

17. Entire Agreement/Amendments: This Agreement represents the entire agreement between the parties and any prior understandings between them are of no force and effect. Any amendments to this Agreement shall be in writing and signed by an authorized representative of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year written.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

VILLAGE OF PORT CHESTER

By: _____
Christopher D. Steers, Village Manager

STRATMAR EQUITIES, INC.

By:
Title _____

Approved as to Form:

Anthony Cerreto
Village Attorney

EDGEWATER GROUP

A R C H I T E C T S

September 9, 2013

Planning Commission
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

RE: Conversion to Restaurant for Ryehouse PC, 126 North Main Street, Port Chester, NY

Honorable Chairman and Commission Members,

Enclosed herewith are (17) copies of drawings for the above referenced project, reflecting clarifications to comments from the Planning Commission at the August 26th meeting and the Village Engineer's Memo dated July 24, 2013.

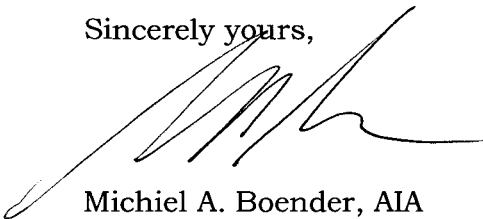
We met with Peter Miley at the Building Department to discuss potential egress issues from the Lower Level, which would typically be done during the Permit phase, and determined that the required separation of the 2 means of egress can be accommodated with minor alteration to the proposed preliminary plan by incorporating an extension to the fire-rated enclosure as shown on SK-2. This is also shown as an overlay on the floor plan on SK-3.

In a space with a fire-suppression system, the separation required by Code is a minimum of 1/3 of the diagonal of the space served, as indicated. The existing separation is only 18" short, technically. The 75' Common Path, 250' Travel distance and Vertical Exit Enclosure requirements all comply with Sections 1014.3, 1016.1 and 1020.1, respectively. All will be further substantiated in the Construction Documents submitted with the Building Permit application and subject to Final review by the Building Inspector and Fire Marshall.

We have also included a revised A-2 to show the 5' clearance requested to be indicated from the backs of chairs for the proposed sidewalk seating. Please note that the limited number of tables and chairs can be otherwise further repositioned in the field should any conflicts occur.

We look forward to discussing this matter further at the September 30th Public Hearing.

Sincerely yours,

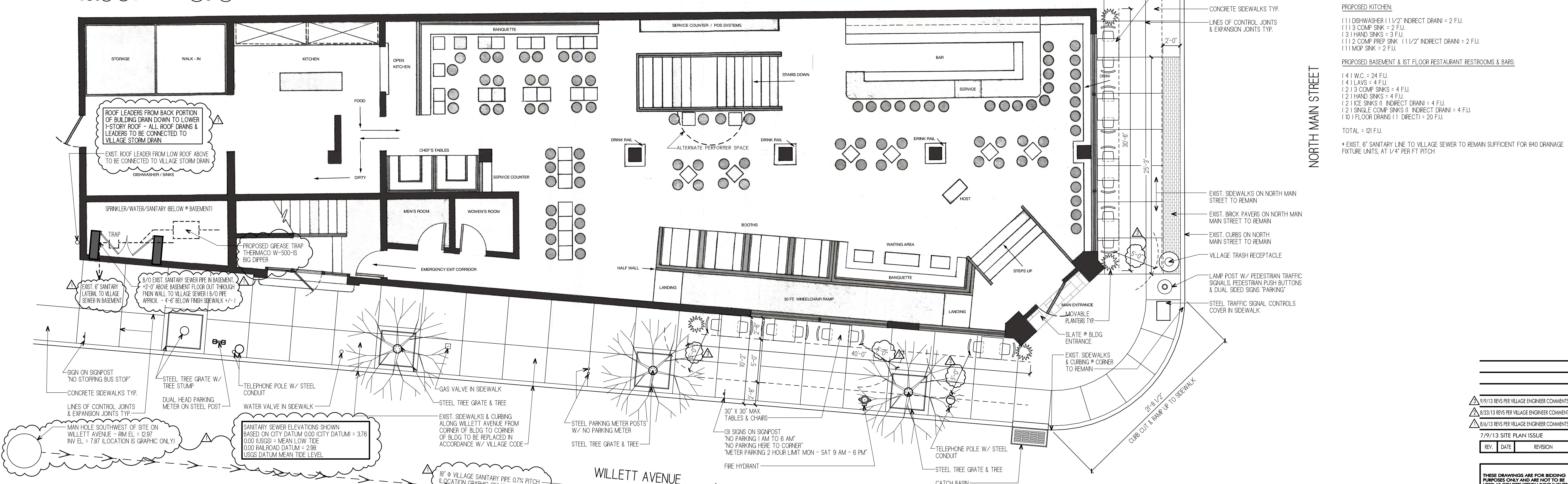


Michiel A. Boender, AIA

* EXIST. BUILDING EQUIPPED THROUGHOUT WITH NFPA 13 SPRINKLER SYSTEM, FIRE ALARM DETECTION SYSTEM & SMOKE DETECTION SYSTEMS IN ACCORDANCE W/ STATE & LOCAL CODES. ALL SYSTEMS TO BE MODIFIED AND/OR UPGRADED AS REQUIRED BY PROPOSED WORK.

* TOTAL SEATING FOR 16 PERSONS. ALL ASPECTS OF SIDEWALK CAFE & OPERATION TO CONFORM TO ASPECTS OF CHAPTER 270 OF THE LATEST EDITION OF THE VILLAGE CODE OF PORT CHESTER, NY TYP.

* VILLAGE MANHOLE & SANITARY PIPE INFORMATION AS PER GENERAL MAP OF IMPROVEMENTS IN THE VILLAGE OF PORT CHESTER, WESTCHESTER CO., NY AS PREPARED BY FRANCIS J. McGRATH, CHAS H. SELLS INC.



WATER CONSUMPTION FOR THE RESTAURANT 204 SEATS X 30 GALS PER SEAT PER DAY = 6,120 GALS PER DAY.

DRAINAGE FIXTURE UNIT CALCULATIONS:

EXISTING UPPER FLOORS TO REMAIN:

- 1) W.C. = 30 F.U.
- 2) URINALS = 8 F.U.
- 4) LAVS = 4 F.U.
- 2) KIT SINKS = 4 F.U.

PROPOSED KITCHEN:

- 1) DISHWASHER (1 1/2" INDIRECT DRAIN) = 2 F.U.
- 1) 3 COMP SINKS = 3 F.U.
- 1) 2 HAND SINKS = 3 F.U.
- 1) 2 COMP PREP SINK (1 1/2" INDIRECT DRAIN) = 2 F.U.
- 1) MOP SINK = 2 F.U.

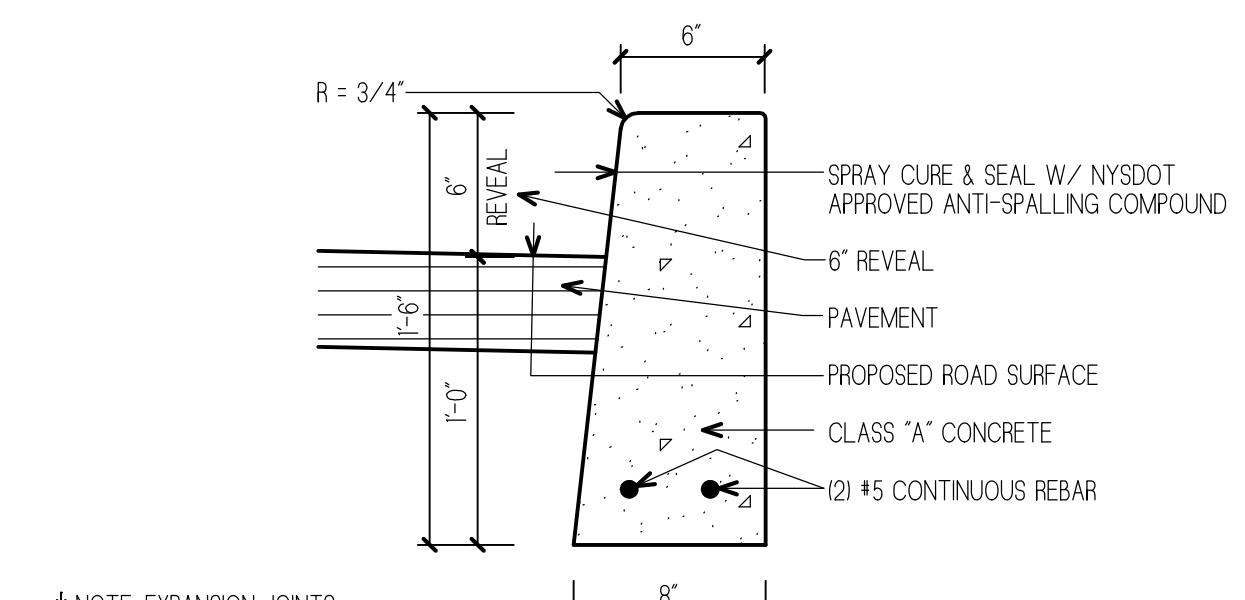
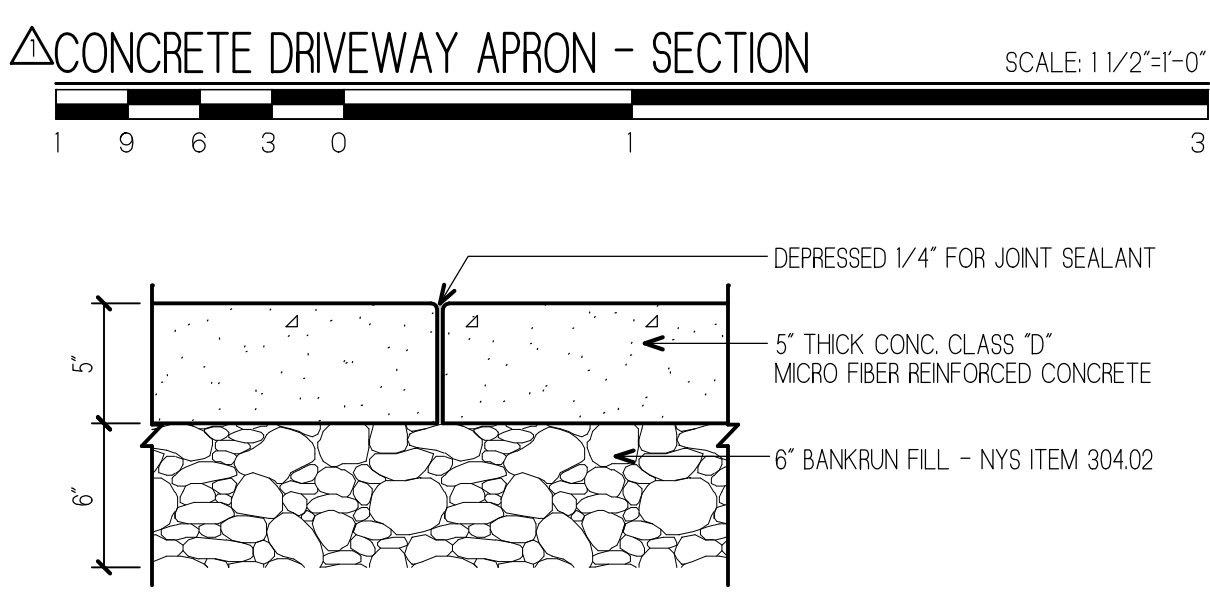
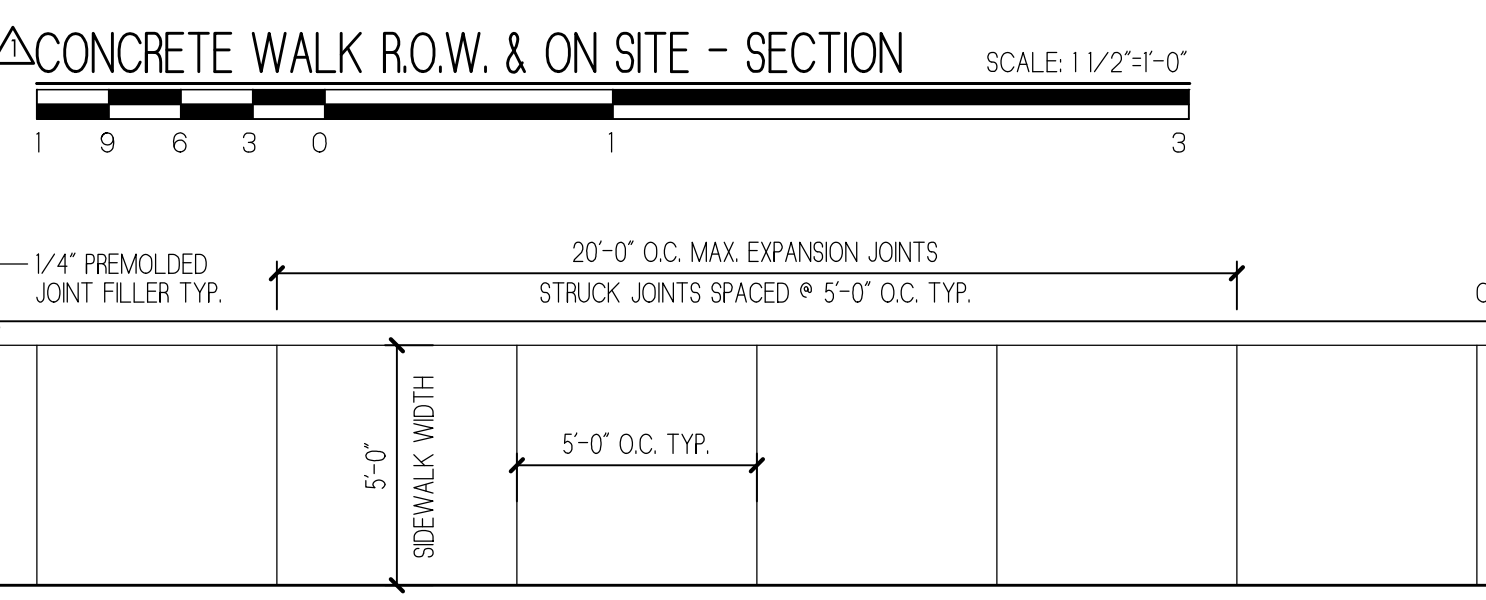
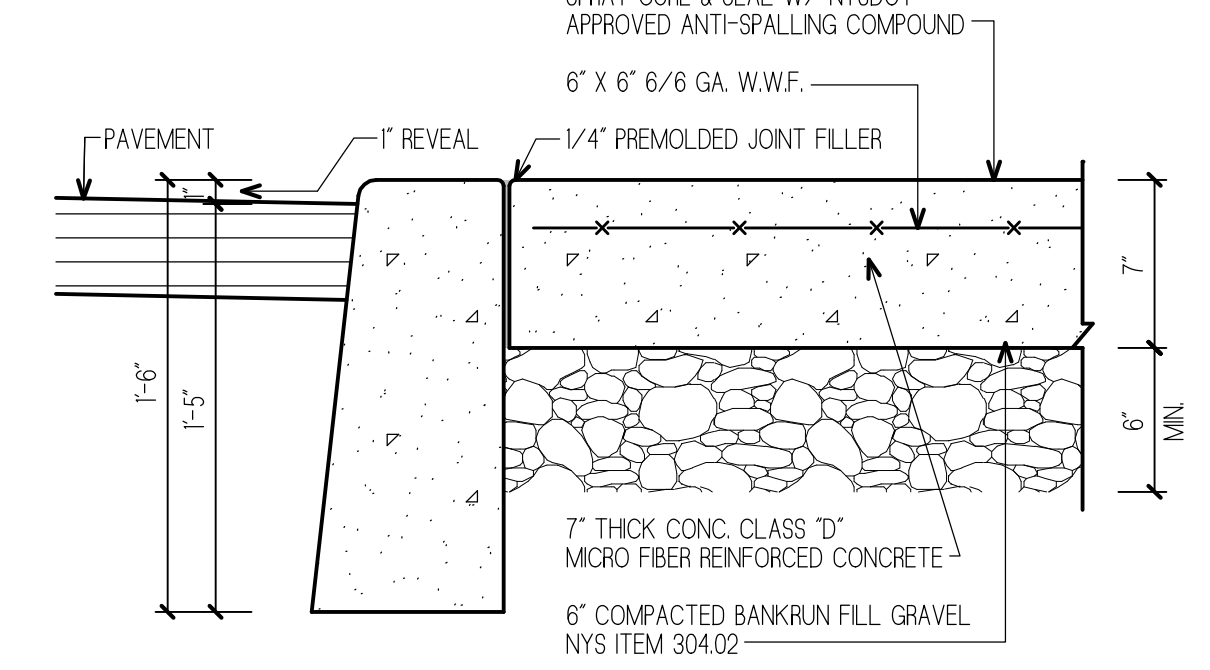
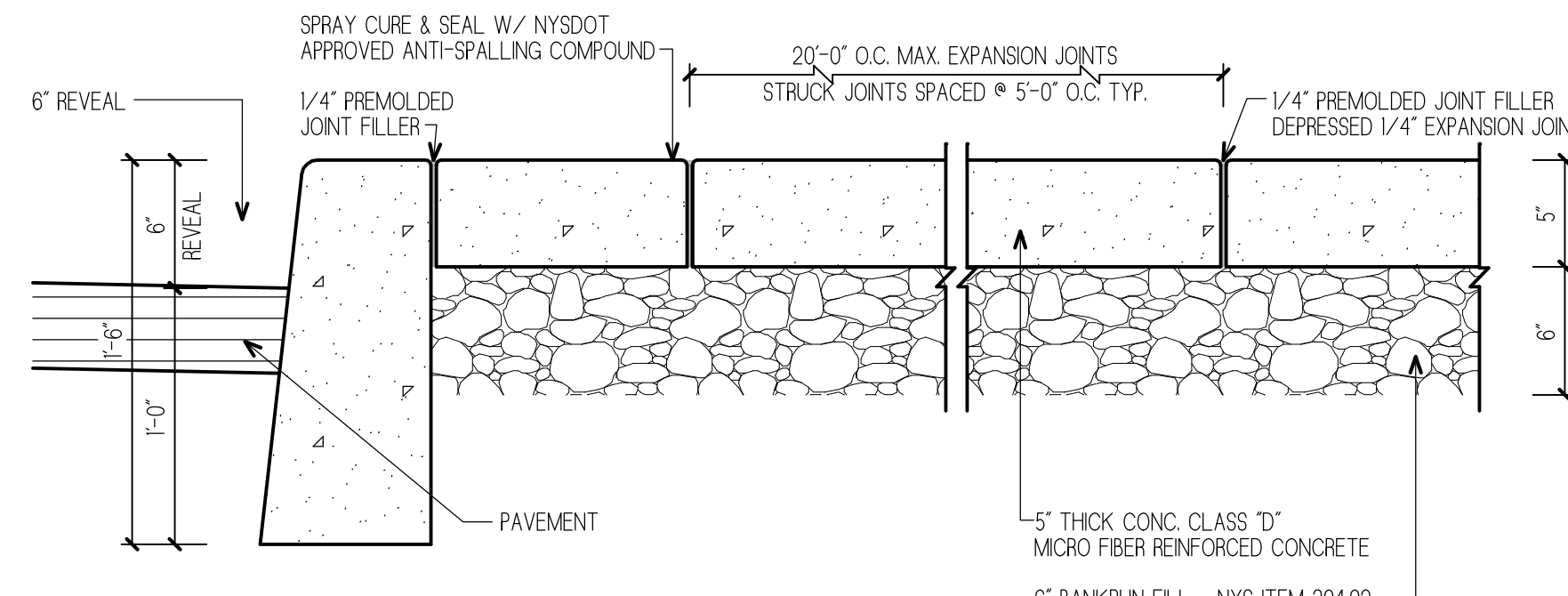
PROPOSED BASEMENT & 1ST FLOOR RESTAURANT RESTROOMS & BARS:

- 4) W.C. = 24 F.U.
- 4) LAVS = 4 F.U.
- 2) 3 COMP SINKS = 4 F.U.
- 2) HAND SINKS = 4 F.U.
- 2) ICE SINKS (1 INDIRECT DRAIN) = 4 F.U.
- 2) SINGLE COMP SINKS (1 INDIRECT DRAIN) = 4 F.U.
- 1) 0 FLOOR DRAINS (1 DIRECT) = 20 F.U.

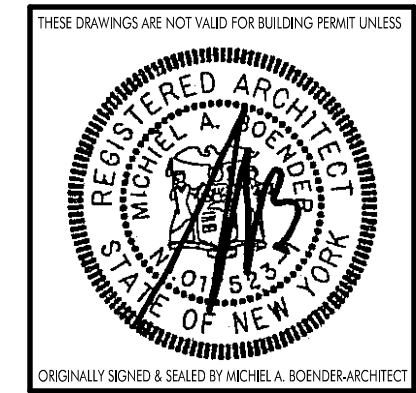
TOTAL = 121 F.U.

* EXIST. 6" SANITARY LINE TO VILLAGE SEWER TO REMAIN SUFFICIENT FOR 840 DRAINAGE FIXTURE UNITS, AT 1/4" PER FT PITCH

FIRST FLOOR PLAN - PROPOSED
SCALE: 3/32"=1'-0"



INASMUCH AS THE REMODELING AND/OR REHABILITATION OF AN EXISTING BUILDING REQUIRES THAT CERTAIN ASSUMPTIONS BE MADE REGARDING EXISTING CONDITIONS AND BECAUSE SOME OF THESE ASSUMPTIONS MAY NOT BE VERIFIABLE WITHOUT EXPENDING ADDITIONAL SUMS OF MONEY, OR DESTROY OTHERWISE ADEQUATE OR SERVICEABLE PORTIONS OF THE BUILDING, THE OWNER AGREES THAT, EXCEPT FOR NEGLIGENCE ON THE PART OF THE ARCHITECT OR CONTRACTOR, THE OWNER WILL HOLD HARMLESS, INDEMNIFY AND DEFEND THE ARCHITECT AND CONTRACTOR FROM ANY AND ALL CLAIMS ARISING OUT OF THE PROFESSIONAL SERVICES UNDER THE AGREEMENT. THE OWNER'S CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE PROVISIONS OF FEDERAL, STATE AND LOCAL CODES INCLUDING BUT NOT LIMITED TO THE STANDARDS OF THE EPA, OSHA, NESHAP, DEPARTMENT OF LABOR AND DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ETC. WITH REGARD TO HANDLING, REMOVAL, TRANSPORT, DISPOSAL AND/OR OTHERWISE DISTURBANCE OF "HAZARDOUS" MATERIALS INCLUDING BUT NOT LIMITED TO TOXIC WASTE, CHEMICAL, RADON, ASBESTOS, AND RELATED PRODUCTS, ETC. ANY SUCH WORK SHALL BE MONITORED FOR COMPLIANCE AND SHALL BE PERFORMED BY CONTRACTORS LICENSED TO DO SUCH WORK.



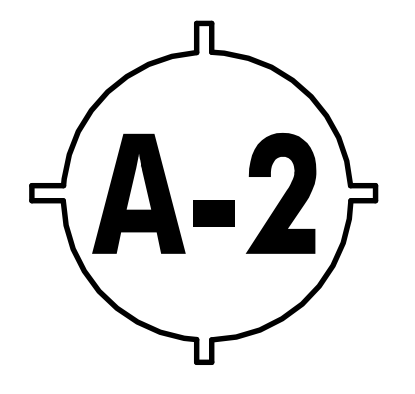
TITLE:	PROPOSED WATER CONSUMPTION & DRAINAGE FIXTURE UNITS CALCS
DATE:	3/15/13
DRN. BY:	MAB
EGA JOB NO.:	13-016
EGA FILE NO.:	13-016 SITE PLAN PLOT 01

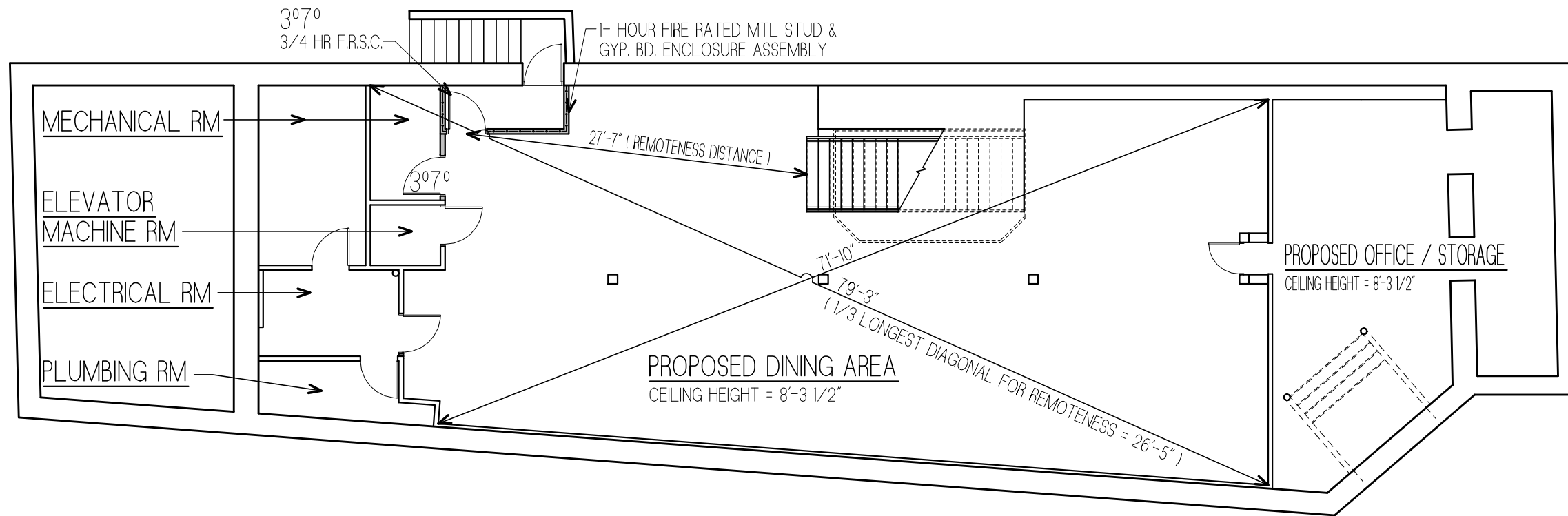
SCALE:	AS NOTED
DATE:	3/15/13
DRN. BY:	MAB
EGA JOB NO.:	13-016
EGA FILE NO.:	13-016 SITE PLAN PLOT 01

INTERIOR ALTERATIONS FOR:

RYEHOUSE-PC
PORT CHESTER, NY

EDGEWATER GROUP-ARCHITECTS
126 NORTH MAIN STREET
PORT CHESTER, NY 10573
TEL: 914-932-4225 FAX: 914-932-4225

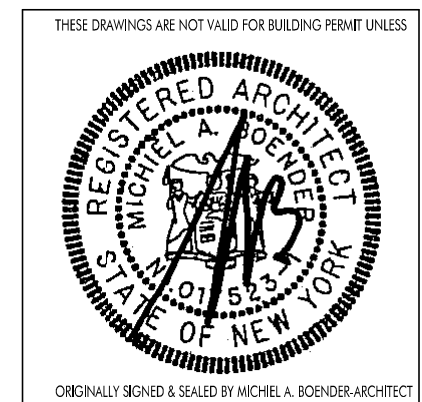




* NOTE: PROPOSED FLOOR PLAN LAYOUT DESIGN TO BE MODIFIED AS REQUIRED TO ACCOMMODATE FIRE RATED EGRESS ENCLOSURE TO EXTERIOR EGRESS DOOR TO PROVIDE ADEQUATE REMOTENESS DISTANCE REQUIRED FOR SPRINKLERED BUILDING

BASEMENT FLOOR PLAN - EGRESS REMOTENESS DIAGRAM

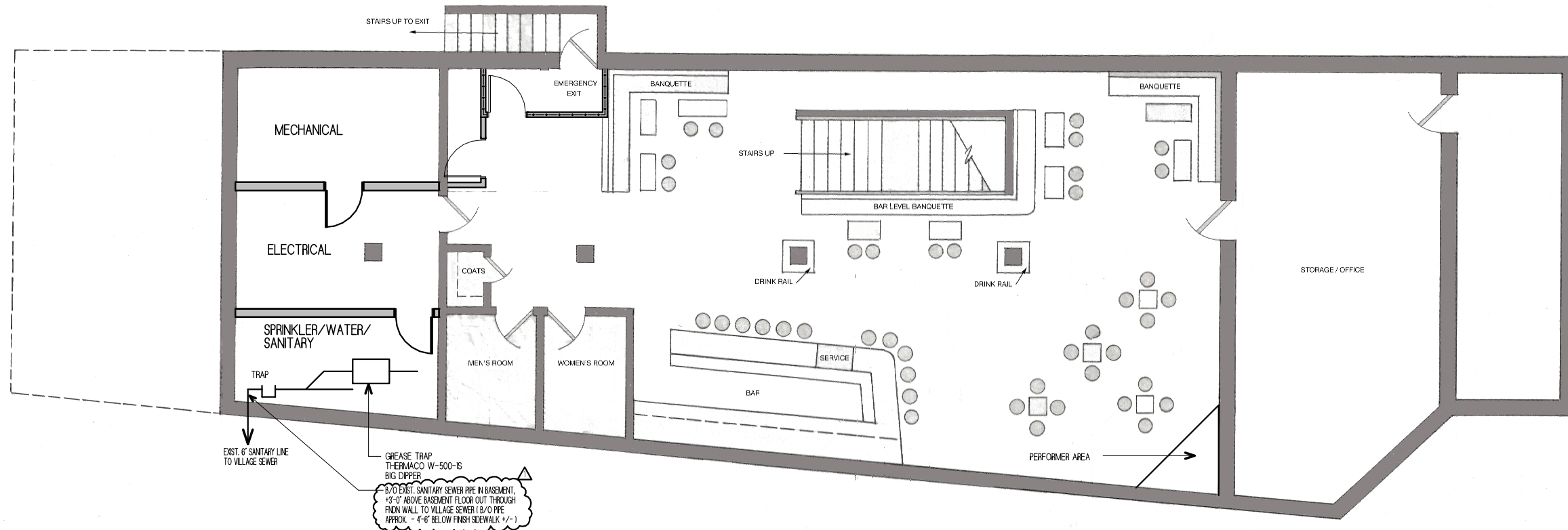
SCALE: 3/32"=1'-0"



9/10/13 REV'S PER VILLAGE ENGINEER COMMENTS	REVISION
8/20/13 REV'S PER VILLAGE ENGINEER COMMENTS	
8/07/13 REV'S PER VILLAGE ENGINEER COMMENTS	
7/19/13 SITE PLAN ISSUE	

INTERIOR ALTERATIONS FOR:
RYEHOUSE-PC
 126 NORTH MAIN STREET PORT CHESTER, NY
EDGEWATER GROUP-ARCHITECTS
 163 NORTH MAIN STREET-SUITE 202 P.O. BOX 4750
 PORT CHESTER, NY 10573 GREENWICH, CT 06831
 TEL:(914) 937-4226 FAX:(914) 937-4225 TEL:(203) 531-6870





RYE HOUSE
 PORT CHESTER, NY
 BASEMENT LEVEL FLOOR PLAN

THESE DRAWINGS ARE NOT VALID FOR BUILDING PERMIT UNLESS



ORIGINALLY SIGNED & SEALED BY MICHEL A. BOENDER-ARCHITECT

9/10/13 REV'S PER VILLAGE ENGINEER COMMENTS
 8/20/13 REV'S PER VILLAGE ENGINEER COMMENTS
 8/17/13 REV'S PER VILLAGE ENGINEER COMMENTS
 7/19/13 SITE PLAN ISSUE

REV. DATE REVISION

INTERIOR ALTERATIONS FOR:
RYEHOUSE-PC
 126 NORTH MAIN STREET PORT CHESTER, NY
EDGEWATER GROUP-ARCHITECTS
 163 NORTH MAIN STREET-SUITE 202 P.O. BOX 4750
 PORT CHESTER, NY 10573 GREENWICH, CT 06831
 TEL: (914) 937-4226 FAX: (914) 937-4225 TEL: (203) 531-6870



THE LAW OFFICE OF

Anthony R. Tirone, Esq., P.C.

202 MAMARONECK AVENUE, SUITE 500
WHITE PLAINS, NEW YORK 10601
TEL: 914-686-7007 • FAX: 914-686-7019

July 29, 2014

VIA U.S. REGULAR MAIL

Anthony M. Cerreto, Esq.
Village of Port Chester Attorney
222 Grace Church Street
Port Chester, NY 10573

VILLAGE OF PORT CHESTER

JUL 31 2014

RECEIVED

VA

Re: License and Easement Agreement
Applicant: Stratmar Equities, Inc.
Location: 126 North Main Street, Port Chester, NY

Dear Mr. Cerreto:

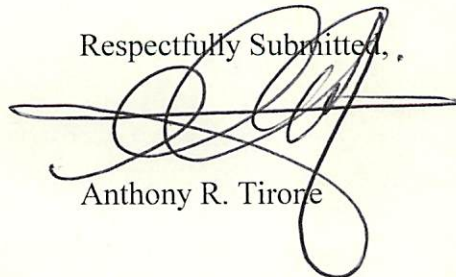
Enclosed for your review please find a copy of the proposed License and Easement Agreement relating to the above-reference applicant.

Kindly review the enclosed proposal and advise if there are any foreseeable issues. Otherwise, if the terms are acceptable, please advise, and we will convert the proposal into final form and have the applicant sign. Please note that the applicant will procure and maintain, at its own cost and expense, general liability insurance (see "Certificate of Liability Insurance" enclosed herein).

Further, please note that the site received Final Site Plan approval from the Port Chester Planning Commission in October 2013 and received Zoning Board Approval in September 2013. The license and easement fee for *Ten Thousand (\$10,000.00)* dollars is being held in escrow. Upon approval of the proposal, the fee will be released.

If you have any questions, please do not hesitate to contact my office.

Respectfully Submitted,



Anthony R. Tirone

ART/dc
Enclosure

LICENSE AND EASEMENT AGREEMENT

THIS LICENSE AND EASEMENT AGREEMENT (the "Agreement") dated July 20, 2014 is entered into by and between:

THE VILLAGE OF PORT CHESTER, a municipal corporation duly organized and existing under the laws of the State of New York, with offices at 222 Grace Church Street, Port Chester, New York 10573 (the "Village"), as "Licensor" and "Grantor"; And

STRATMAR EQUITIES, INC. 126 NORTH MAIN STREET, PORT CHESTER, NY, as "Licensee" and "Grantee", a limited liability corporation incorporated under the laws of the State of New York, with its principal office at 126 North Main Street, Port Chester, New York 10573.

WHEREAS, the Licensee and Grantee operates a retail/office building on real property located at 126 North Main Street, Port Chester, also known and designated as Section , Block , Lots and on the Tax Map of the Town of Rye; and the Licensee and Grantee has entered into a leasehold agreement with a restaurateur for the first floor and basement space of said real property with a New York domestic corporation known as REESE WILLOW LLC, d/b/a "Rye House" for the operation of a restaurant bar facility. The Rye House project received Final Site Plan approval from the Port Chester Planning Commission in October 2013 and Zoning Board Approval in September 2013.

WHEREAS, the Licensee and Grantee received all planning and zoning approvals necessary to permit the operation of a restaurant bar facility on the interior and as necessary, exterior of the premises; and

WHEREAS, the various Village approvals, Village retained engineering studies, lessee approved building plans and NYS Building Code requirements call and mandate the extension and installation of storm water run-off lines, culverts, drains, connections and related appurtenances or equipment to be installed and placed permanently under and below the surface of the Village-owned sidewalks and walkways on the Willett Avenue side of the subject premises which will encroach on the Village surface and subterranean right-of-way in a minor respect.

The location and degree of minor encroachment on the Village's right-of-way is reflected on the attached drawing which is part of the approved building permits and Planning Board Approval, and is attached hereto and made part hereof as **Exhibit A**.

NOW, THEREFORE, and in consideration of the promises and the mutual covenants hereinafter contained, between **THE VILLAGE OF PORT CHESTER** and **STRATMAR EQUITIES, INC.** and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant, agree and bind themselves as follows:

1. **Grant of License and Easement**: Subject and pursuant to the terms and conditions contained within this Agreement, **THE VILLAGE OF PORT CHESTER**, as **Licensor** and **Grantor**, hereby licenses and grants to **STRATMAR EQUITIES, INC.**, the **Licensee** and **Grantee**, an exclusive irrevocable License and Easement (the "License" "Easement") to

encroach on the public right of way on Willett Avenue, as shown in the plan, annexed hereto as Exhibit "A" (the "Licensed Area").

2. **Intended Use**: The License and Easement herein granted shall be for the purpose of accommodating the Licensee's and Grantee's extension and installation of storm water run-off lines, culverts, drains, connections and related appurtenances or equipment to be installed and placed permanently on, under and below the surface of the Village-owned sidewalks and walkways on the Willett Avenue side of the subject premises, which will encroach on the Village surface and subterranean right-of-way over and under the sidewalk.

3. **License and Easement Term**: Unless sooner terminated as provided herein, the License and Easement is for a term commencing from the date a Certificate of Occupancy is issued into perpetuity and shall never have to be renewed.

4. **License and Easement Fee**: The onetime License and Easement fee is *TEN THOUSAND dollars (\$10,000.00)* which shall cover the period from the issuance into perpetuity and shall never have to be renewed.

5. **Renewal**: This License and Easement shall continue year-to-year thereafter on the same terms and conditions unless either party notices the other party of its intention not to renew no less than thirty (30) days prior to the expiration of the License and Easement term.

6. **Defense and Indemnification**: The Licensee and Grantee does hereby defend and, to the fullest extent permitted by law, only for the Licensee's and Grantee's own negligence, indemnify the Village against any and all claims, costs, judgments, liens or actions, including reasonable attorneys' fees and costs of defense, for damage to property or injury or death to persons arising out of the Licensee's and Grantee's use and occupancy of the Licensed Area. The provisions of this paragraph shall survive the expiration or termination of this Agreement.

7. **Insurance**: At all times throughout the term of this Agreement, the Licensee and Grantee shall procure and maintain, at its own cost and expense, general liability insurance against loss arising from personal injury or death or damage to property caused by any accident or occurrence, with limits of not less than \$1 million dollars per accident or occurrence, with limits of not less than two million dollars in the aggregate, together with an excess liability policy of not less than five million dollars. All such insurance shall name the Village of Port Chester as an additional named insured. Such insurance shall be primary and non-contributory with no recourse against the Village. Any deductibles shall be assumed by the Licensee and Grantee. The Licensee and Grantee shall similarly procure and maintain workers compensation coverage for its employees in such limits as required by law. All such insurances shall be from insurance companies authorized to write insurance in New York and have an A.M. Best rating of at least A-. The Licensee and Grantee shall provide certificates of insurance and policies to the Village Attorney which shall be approved before execution of this Agreement.

8. **Compliance**: The Licensee and Grantee shall comply with all applicable federal, state and local laws and regulations with regard to the use and occupancy of the Licensed Area.

9. **Interest Conferred**: The Licensee and Grantee affirms that this Agreement authorizes it to occupy the Licensed Area for the limited purposes of the intended use as described herein and no other. The parties agree that the provisions of this Agreement do not constitute a lease and the rights of the Licensee and Grantee are not those of a tenant. No leasehold or ownership interest in the premises is hereby conferred upon the grant of this Agreement.

10. **Revocation**: This Agreement may be revoked by the Village:

A. For Cause; after a Notice to Cure has been given served on the Licensee and Grantee within the prescribed period given.

B. For Public Necessity; after Notice has been served on the Licensee and Grantee of the extent reasonably practicable.

11. **Notices**: All notices and communications pursuant to this Agreement shall be given by the parties in writing and be deemed served if given by personal delivery or by certified mail RRR addressed to the parties at the address indicated in the Agreement. Notice shall be deemed given when it is personally received or posted.

NOTICE to The Village:

***THE VILLAGE OF PORT CHESTER
C/O VILLAGE MANAGER
222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573***

NOTICE to The Licensee and Grantee:

***STRATMAR EQUITIES, INC.
126 NORTH MAIN STREET,
PORT CHESTER, NEW YORK 10573***

With copy to:

**THE LAW OFFICE OF
Anthony R. Tirone, Esq., P.C.
202 MAMARONECK AVENUE,
SUITE 500
WHITE PLAINS, NEW YORK 10601**

12. **Improvements**: At the completion of the work or at end of the term or revocation of this Agreement, the Licensee and Grantee shall forthwith, and, at its own cost and expense, remove the encroachment in the Licensed Area and restore the area to the satisfaction of the Village.

13. **Assignment:** The License and Easement granted under this Agreement is personal to the Licensee and Grantee and shall not be transferred or assigned.

14. **Governing Law/Dispute Resolution:** This Agreement shall be governed by the laws of the State of New York. Any dispute between the parties shall be resolved through adjudication in a NYS court of competent jurisdiction.

15. **Severability:** Should any provision or paragraph of this Agreement be determined to be invalid, unconstitutional or otherwise unlawful, such determination shall not affect the validity of the remaining provisions or paragraphs of this Agreement which shall remain in full force and effect.

16. **Entire Agreement/Amendments:** This Agreement represents the entire agreement between the parties and any prior understandings between them, whether in writing or oral, are of no force and effect. Any amendments to this Agreement shall be in writing and signed by an authorized representative of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this ____ day July 2014.

Approved as to Form:

DRAFT

Anthony M. Cerreto, Village Attorney

VILLAGE OF PORT CHESTER

Dated: July , 2014
Port Chester, NY

By: _____
Christopher D. Steers, Village Manager

STRATMAR EQUITIES, INC.

Dated: July , 2014
Port Chester, NY

By: _____
Ethan Charas

Witness hereof by:

Anthony R. Tirone, Esq.



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Recreation Department

BOT Meeting Date: 2/17/2015

Item Type: Resolution

Sponsor's Name: Heather Krakowski, Recreation Supervisor

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input type="checkbox"/>
Funding Source: Account #:7310.0455			BID #		
			Strategic Plan Priority Area		
			Quality of Life & Village Image		
			Manager Priorities		
Agreement	<input type="checkbox"/>	<input type="checkbox"/>	Choose a Manager Priority		
Strategic Plan Related	<input type="checkbox"/>	<input type="checkbox"/>			

Agenda Heading Title
(Will appear on the Agenda as indicated below)

AUTHORIZING AGREEMENT WITH SOUTH EAST
 CONSORTIUM FOR SPECIAL SERVICES, INC. TO PROVIDE A
 COLLECTIVE PROGRAM FOR SPECIAL RECREATION
 SERVICES FOR CITIZENS WITH DEVELOPMENTAL
 DISABILITIES AND SPECIAL NEEDS

Summary

Background: For many years, in cooperation with the City of Rye, Towns of Eastchester, Mamaroneck, Pelham, Village of Scarsdale, Town/Village of Harrison, the Village of Port Chester, Rye Brook and Mamaroneck, the South East Consortium for Special Services, Inc. has been providing a collective program for special recreation services for citizens with developmental disabilities and special needs.

The South East Consortium serves some 22 Port Chester residents. The amount of the annual contract has been flat for the past several years.

The resolution authorizes an extension of the agreement for the 2015 calendar year.
The amount of compensation is the same as last year, and is provided for in the budget.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Agreement

RESOLUTION

AUTHORIZING AGREEMENT WITH SOUTH EAST CONSORTIUM FOR SPECIAL SERVICES, INC. TO PROVIDE A COLLECTIVE PROGRAM FOR CITIZENS WITH DEVELOPMENTAL DISABILITIES AND SPECIAL NEEDS

On motion of , seconded by , the following resolution was adopted as amended by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the South-East Consortium for Special Services, Inc. provides a special recreation program for citizens with developmental disabilities and special needs through a long-standing agreement with several municipalities in Westchester County; and

WHEREAS, the Village of Port Chester has been a party to this agreement which is up for renewal for calendar year 2015 at the same rate as the 2014 calendar year; and

WHEREAS, the program has successfully provided opportunities to our disadvantaged citizens. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to sign an Inter Agency Agreement with the South East Consortium for Special Services, Inc., with the City of Rye, the Towns of Eastchester, Mamaroneck, Pelham, the Village of Scarsdale, the Town-Village of Harrison, the Villages of Port Chester, Rye Brook and Mamaroneck, to provide a collective program for special recreation services for citizens with developmental disabilities and special needs for the calendar year of 2014; and be it further

RESOLVED, that the contribution in the amount of \$21,829.00 has been appropriated in General Fund line item #001-7310-0455.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:



740 WEST BOSTON POST ROAD, SUITE 318 • MAMARONECK, NEW YORK • 10543-3357
TEL: (914) 698-5232 FAX: (914) 698-7125
www.secrec.org

February 2, 2015

Ms. Heather Krakowski
Department of Recreation
Village of Port Chester
222 Grace Church St., First Floor
Port Chester, NY 10573

STATEMENT FOR SERVICES AS FOLLOWS:

2015 Municipal Agreement between the South East Consortium for Special Services, Inc. and the Village of Port Chester. Please remit at your earliest convenience. Please note this amount reflects zero increase from 2014.

AMOUNT DUE FOR 2015: \$21,829.00

Please sign both agreements and return one with your remittance.

Thank you.

A handwritten signature in black ink that reads "Jerry Peters".

Jerry Peters
Executive Director



Proudly Serving

Town and Village of Mamaroneck • Town of Pelham • Village of Rye Brook • Village of Port Chester • Village of Larchmont • City of Rye
Town and Village of Scarsdale • Town of Eastchester • Village of Bronxville • Village of Tuckahoe • Town and Village of Harrison

South East Consortium for Special Services, Inc.
Inter-Agency Agreement for 2015

This agreement made on the 1st of January 2015 by and between the South East Consortium for Special Services, Inc., a not-for-profit corporation of the State of New York; Town/Village of Harrison, a municipal corporation of the State of New York; Town of Mamaroneck, a municipal corporation of the State of New York; Town of Pelham, a municipal corporation of the State of New York; Town of Eastchester, a municipal corporation of the State of New York; City of Rye, a municipal corporation of the State of New York; Village of Rye Brook, a municipal corporation of the State of New York; Village of Scarsdale, a municipal corporation of the State of New York; Village of Port Chester, a municipal corporation of the State of New York; and the Village of Mamaroneck, a municipal corporation of the State of New York shall enable said component municipalities the opportunity to provide collective programs of special recreation services and respite opportunities for citizens with various developmental disabilities and special needs through participation in the South East Consortium for Special Services, Inc. as appropriate and available.

Now, therefore, the parties hereto agree as follows:

FIRST: The parties shall jointly operate a special recreation program for citizens with various developmental disabilities and special needs residing or domiciled within the corporate limits of their respective municipalities to the best of its capabilities and available resources.

SECOND: The program shall be funded through each municipality in accordance with schedule of attached hereto and made part hereto establishing respective local shares which shall be in addition to any third party sources of funding. Said local shares shall be paid to South East Consortium at the municipalities' earliest convenience in the current calendar year unless otherwise mutually agreed upon.

THIRD: The substantive program policy shall be the joint responsibility of all the parties, but shall be carried out administratively by the South East Consortium in the same manner as any other programs for which said council would otherwise individually be responsible.

Administrative services include, but not limited to accounting, payroll, legal, personnel, insurance and risk management. In addition, the South East Consortium, on behalf of the program, may apply and receive grants and other third party sources of revenue, and may further enter into agreements on behalf of the program with other governmental agencies and not-for-profit organizations providing partial or full support of any program or activity to be provided hereunder.

FOURTH: The Board of Directors consisting, in part, of a designee from each component municipality shall have policy-making power for the program, and which shall further have the power to adopt rules, regulations, and procedures for the governing of the program affairs in a manner consistent herewith.

FIFTH: The South East Consortium shall procure and maintain liability insurance at its own cost and expense relating to all activities sponsored by and performed by the program, which insurance shall protect the interests of the parties hereto as named insured's. Said insurance limits and amounts will be determined by resolution by the Board of Directors.

SIXTH: The Chief Fiscal Officer of the South East Consortium shall be the Treasurer.

SEVENTH: Programs shall be held throughout the component municipalities, utilizing existing and available municipal/community facilities and resources.

EIGHTH: The South East Consortium shall provide special recreation and respite programs for component municipalities and will accommodate participants from non-component municipalities in accordance with agency guidelines currently enforced.

NINTH: This agreement shall be effective for the calendar year 2015 and upon further agreement of the parties, may be amended and/or extended from year to year thereafter.

TENTH: The South East Consortium shall deliver to each component municipality a current Certificate of Insurance verifying the existence of such insurance and naming said municipality as Additional Insured. The South East Consortium shall hold harmless, indemnify, and defend the Village of Port Chester, its employees, officials and agents from any and all claims, suits and actions arising out of the activities of the special recreation and respite programs provided by the South East Consortium.

The South East Consortium shall provide the Village of Port Chester a copy of the Certificate of Insurance naming the Village of Port Chester as Additional Insured.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year above written.

SOUTH EAST CONSORTIUM FOR SPECIAL SERVICES, INC.

By: Jerry Peters

Jerry Peters, Executive Director

VILLAGE OF PORT CHESTER

By: _____

Printed Name/Title

Signature

REPORT
OF
THE VILLAGE MANAGER



Village of Port Chester

Office of the Village Manager

MEMORANDUM

TO: Mayor and the Board of Trustees

FROM: Christopher D. Steers, Village Manager

DATE: February 17th, 2015

RE: Updates

INITIATIVES/PRIORITIES:

❖ **Strategic Planning: Strategic Actions** (Opportunity Areas #1 Downtown TOD, #2 Downtown: Municipal Center, #3 Waterfront Redevelopment/Revitalization, #4 Fox Island, #5 United Hospital Site Redevelopment).

- 1) **Opportunity Areas #1:** C1 Neighborhood Retail Zoning Analysis: medical, dental office use Preliminary analysis regarding a potential zoning text change to permit medical in the C1 Neighborhood Retail District either as-of-right or by special exception permit subject to existing special exception criteria as defined in §345-61U.

This action is considered a Type I Action under SEQRA regulations and requires a determination of significance from the Board of Trustees prior to final approval. Presentation to Board of Trustees completed December 2014, January 2015. Referral to Planning Commission to consider pending draft local law, February 2015.

- 2) **Opportunity Area #2:** As you are aware NDC has been engaged by the BOT to begin phase three of the Municipal Center feasibility study. Current status:

Activity #1 Site Investigation – Phase I

- *Federal, state & local records review of environmental database*
- *Evaluation of adjacent parcels and historical usage*
- *Preparation of written report on site investigation*
- *Phase I ESA report according ASTM-1527 Standard*
- *Identify any environmental concerns for Phase 2 review*

NDC has incorporated a separate development entity to undertake the preliminary work as well as act as developer in the event the project proceeds. The Entity is named "Community Development Properties, Port Chester One, Inc." ("CDP PC"). CDP PC has recently undertaken the following steps as part of the site investigation/geotech phase of the project:

- Negotiated & Contracted Site Access Agreements with several property owners
- Contracted with a Surveying firm to undertake a survey of some disputed property lines
- Contracted with a title search firm to review chain of title issues on a specific property
- Entered into a contract with a geotech boring firm

The next phase of activities involves the geotechnical investigation, including site borings. This process has been slowed due to a disputed property line. Now that the disputed property issue has been resolved and will be surveyed the geotech activities will be able to begin two to three weeks' time, depending upon the ability of the survey firm to get on site within the next two weeks.

The issues around property access has been the single most difficult issue to resolve from a timing perspective. They have secured Site access to three properties on the proposed project site and have reconfigured the drilling schedule to accommodate the willing property owners (we have Weissman, Knume, and Man Chung Wong). They anticipate that once the survey is completed, the geotech firm will be on site drilling by the first week of March – provided that no weather issues arise.

- 3) Opportunity Area #3:** Bulkhead; the contract for the bulkhead design grant award in the amount of \$225,000 has been executed. Again, the methodology is to design the bulkhead in two phases, Phase 1 being the first Activity Node and temporary "shoring" up of the vinyl area; Phase 2 being the complete steal replacement and partial bridging of the cove. This approach allows us to first make progress toward re-activation of the waterfront as planned and it also gives us time to build potential funding resources from grants, districts, and/or parking revenues without stalling the entire capital improvement project.

The Final RFP for design and construction plans + permits approved by DOS, January 2015. RFP publically released February 2015; deadline for response by March 2, 2015.

- 4) Opportunity Area #5:** Redevelopment of the former United Hospital Site (Starwood). The Mixed-use redevelopment proposal for the former United Hospital site located within the Village's PMU Planned Mixed Use District to permit: 500 "Millennial" housing units, 240 age-restricted housing units, an approx. 138-key limited service hotel, 100,000-200,000 square feet of medical office, approx. 90,000 square feet of retail, ample public and green space, and improved access to Abendroth Park.

Preliminary DEIS submitted by Applicant December 31, 2014. Village consultants and staff reviewing for completeness for BOT to accept document as complete per adopted scope in February/March.

- ❖ **2015-2016 Budget Process:** Budget development for the coming fiscal year has been initiated. Department budget worksheets have been distributed. Met with all department heads. Working with finance on rolling stock, five year capital plan, and budget projections.

I request that the BOT schedule a workshop between, in order to discuss 6 month (now 8 months) revenues/expenses and projections for year end. (5 year operating trends base and current attached).

- ❖ **Property Condition Study RFP:** Again, the RFP has been issued and interviews have been conducted by the BOT. At the recommendation of the Board, Staff has had subsequent discussions with the two final consultants for the neighborhood revitalization strategies RFP. Second interview with the two finalists will be held at this meeting.

ACTIONS:

- **MTA:** Staff continues to discuss a possible settlement to the property maintenance violations issued to the MTA. The context is in the realm of better routine maintenance and possible beautification utilizing existing and potential funds in a collaborative manner between the Village and the MTA.
- **Grant Writing RFP:** The Village of Port Chester (hereinafter “Village”) is seeking professional services from qualified consultants to assist the Village in researching and identifying potential grants, as well as providing general grant writing services associated with the completion and submission of grant applications, program administration, and delivery. A main focus of the grant writing need will be to fund the elements of the Village’s Strategic Plan for 2014-2016 which identifies and prioritizes key economic development projects throughout the Village. These projects each contain a summary of procedures, milestones and key deliverables. The availability and timing of grant funding is critical to the successful implementation of the plan, and is an important component to this RFP. All of the Village’s departments, boards and commissions, and related entities such as the Port Chester Industrial Development Corporation and Port Chester Local Development Corporation will benefit from access to the consultant’s expertise and technical assistance. The Initial RFP is proposed on a “**contingency basis**”. Proposals must be received by the Village until 3:00 pm Eastern on Friday, February 27, 2015.
- **CBDG:** On Monday February 9th the Mayor, Deputy Mayor, Trustee Terenzi, and Staff met with Westchester County, George Oros and staff, to discuss the new County Housing Infrastructure Investment Program. The adopted 2015 Westchester County capital budget now has in it authorization for up to \$5 million to fund up to 50% of such local projects through CHIIP. For 2015, projects eligible for County financial support will be selected from those projects previously submitted by local governments to the County under the CBDG program and subsequently recommended for funding. Enclosed with this letter is a complete list of the eligible public infrastructure projects that you have proposed for your community.

The deadline for identification of 2015 local projects and updated cost estimates will be Friday, March 13. Staff is updating the requested information including the associated cost estimates (attached is the letter from the County and the Village's initial list.)

DEPARTMENT UPDATES:

➤ **Treasures Office:** See attached BAN and Bond Ratings, and note bid results.

➤ **Police Department:**

- **Training:** On January 23, Police officers Mike Giandurco and William Washington completed High Intensity Drug Trafficking Area, (HIDTA) training. This 40 hour course of study was held at the New York City Police Departments Rodman's Neck facility in the Bronx. Both officers received both classroom and hands on training in area such as; search warrants, surveillance, undercover operations and tactical street encounters.
- **Evidence Project:** We have received approval to dispose of and/ or return evidence in 83 cases. Of those 83 cases, evidence was returned in 7 cases and 20 cases had the evidence disposed of. In each and every case there is documentation of the evidence being disposed or returned.
- **Vehicles:**
 - In early January, the Department put into service its first 4 wheel drive vehicle dedicated exclusively to patrol (one is assigned to supervisors). A 2014 Ford Explorer was outfitted with radio, striping and emergency equipment by Cruisers in Mamaroneck. The addition of the new RMP was quite timely as it went into service the day before a major snow event on January 19.
 - The vehicle (car 54) replaced by the new Explorer was transformed into a stealth traffic enforcement car. Det. Richard Grall and Police Officer Sal Baldo came up with the idea of a removing the overhead lights, push bar, and black and white markings of a traditional police car. Strobe lights were then hidden inconspicuously, and black reflective lettering was placed on the sides of the car. The last touch was a set of passenger license plates. The stealth car has allowed for more effective enforcement of traffic laws particularly in areas of concern such as school zones.
- **General:** In January 2015, the Department
 - Responded to 1636 calls for service
 - Issued 5312 parking tickets up 53% from December
 - Issued 559 traffic tickets, up 91% from December
 - Made 161 arrests, up 9% from December
 - Conducted 166 directed patrols of, parks, abandoned buildings, public housing, and places of worship

- Conducted 19 compliance inspections of licensed liquor establishments
- **Detective Bureau:** For the Month of January 2015 the Detective Bureau closed out 16 cases with 12 by arrest. They have assigned the detective division 33 new cases in the month. The detective bureau had a total of 35 arrests. Including the following:
 1. 5 Felony Drug Charges
 2. 3 Misdemeanor Drug Charges
 3. 10 Violation of Possession Charges
 4. 1 Felonies (Non-Drug Related)
 5. 1 Misdemeanors (Non-Drug Related)

Evidence Seized:

1. \$3,402.00 USC
2. 1992 Acura Integra
3. 276 Decks of Heroin
4. 4 zip lock bags of Cocaine/Crack
5. 19 zip lock bags of marijuana
6. 4 Large Bags of Marijuana
7. 23 Pills (assortment of Hydrocodone, Codeine, Floriact, P1, Zolpidem and Suboxone)

➤ **Justice Court**

- Assisted the Judge on the Bench during court sessions on Mondays, Thursdays and Fridays
- Assisted the Judge at Traffic Night Court on February 10
- Processed Criminal Disposition Reports (CDRs) after court
- Completed court paperwork after court sessions
- Update excel spreadsheets with Bail disbursements from court
- Electronically transmitted 310 Criminal Dispositions Reports (CDRs) to New York State Division of Criminal Justices Services since January 9, 2014
- Reconciled Judge Troy Justice Account. Ending Bank Balance as of 01/31/15 -\$78,878.03
- Prepared January 2015 Monthly Report to the N.Y. State Comptroller's Office- Justice Court Fund for Judge Troy - \$77,642.00 to be reviewed and electronically submitted by Judge Troy
- Reconciled Judge Sisca Justice Account. Ending Bank Balance as of 01/31/15 -\$161,429.01
- Prepared January 2015 Monthly Report to the N.Y. State Comptroller's Office- Justice Court Fund for Judge Sisca - \$160,209.45 to be reviewed and electronically submitted by Judge Sisca
- Reconciled Bail Account. Ending Bank Balance as of 01/31/15 - \$224,122.92
- Reconciled Tow Account. Ending Bank Balance as of 01/31/15 - \$1,590.00
- Prepared vouchers and Payroll to be sent to the Finance Department
- Monthly Staff meeting held on 1/21/15

➤ **Public Works:**

- Performed Snow removal (list attached).
- We have received three hundred tons of salt.
- Plowing, Brining, Sanding, Salting, continue as needed.
- Applied eight (8) tons of black top to repair pot holes.
- Performed eight (8) sewer jobs.
- Equipment repairs continue as needed.
- Completed Street Paving and associated remediation work.
- Completed Marvin lot sidewalk improvement.
- Completed Village Hall sidewalk improvement.
- Constructed Village salt shed.
- Completed Pilgrim Drive Drainage.
- Worked on and completed the majority of Phase 1 of sewer lining.
- Cleaned 30 Storm Drains.
- Removed 24 tree stumps.
- Trimmed 9 Trees.
- Replaced 3 defective manholes.
- Repaired various potholes.
- General day to day activities.

➤ **Senior Center / Nutrition:**

- 26,469 Meals served to date: (January-February)
- 37 Home Bound Seniors received their meals at home, per day Monday-Friday
- 60 seniors attend the Saturday Program.

Senior Center Calendar:

- Feb. 1—Super Bowl Party 6 p.m.
- Feb. 10th—Arts & Crafts
- Feb. 13th- Valentine’s Day Party, DJ Anthony Radice 12-3 p.m.
- Feb. 17th—Mardi Gras Celebration
- Feb. 19th—Chinese New Year Celebration
- Sat. Feb. 21st—Trip to Mohegan Sun Casino 8 a.m. to 6 pm.

Community Center Calendar:

- Feb 11th—Rec. Commission, Parks Commission, PCYBL, Beautification Commission
- Feb. 15th (Sunday) 9 a.m.-4 p.m. Consulado General De Guatemala mobile services to the Guatemala Community in Port Chester.

Snow Preparations:

Meals delivered to homebound seniors on Monday, Jan. 26, Feb. 2, & Feb. 9 in anticipation of storm that was forecast for Monday into Tuesday. This is our most frail and needy population. A hot meal with a cold sandwich was given to each senior. Also, an emergency meal was sent that consisted of: a can of beef stew, powdered milk, crackers, raisins, granola bars, juice. We also supplied water and extra milk. Telephone messages are monitored for specific needs, senior's have been given written instructions that if they have an emergency to 911. If they need anything else, like food or shoveling to call the center, a message if on the machine with my cell phone number for them to call. Center was closed on 1/27 and 2/3 due to snow and ice.

GRANT FUNDING:

The fiscal year for Westchester County Grants is 1/1/14-12/31/2014. All reimbursement vouchers were sent to the Westchester County Dept. Senior Programs & Services in Jan. 2015.

- IIC1—center meals—17,985 reimbursement claimed--\$58,832.
- IIC2—homebound meals—2,487 reimbursement claimed--\$8,771.
- IIIB—transportation -1,347 units of transportation to doctor's and grocery store & 1,345 units of transportation to and from senior center reimbursement claimed--\$13,747.
- WIN—home delivered meal program—fiscal year—4/1/14-3/31/15 reimbursement claimed--\$21,314. 2,650 meals April 1 – Sept. 2014

All reimbursement vouchers met revenue claimed for 2014. We over served in each of the programs and claimed all monies due us.

We received 3 emails on the new website and the questions were answered. A question that the heat in the bus was not working was handled in the following manner: Rocky Morabito checked the heating unit, the driver was instructed to let the bus warm up before leaving. The driver has been letting the bus warm up before leaving, but the bus is old, the freezing temperatures and the door being opened and closed all during the pickups still makes it cold.

- **Building / Code Enforcement Department:** See Building Inspector/ Code Enforcement Director's report attached.
- **Planning and Development:** See Planning and Development Director's reports attached.
- **Recreation:** See Recreation Supervisor's report attached.

❖ **Achievements**

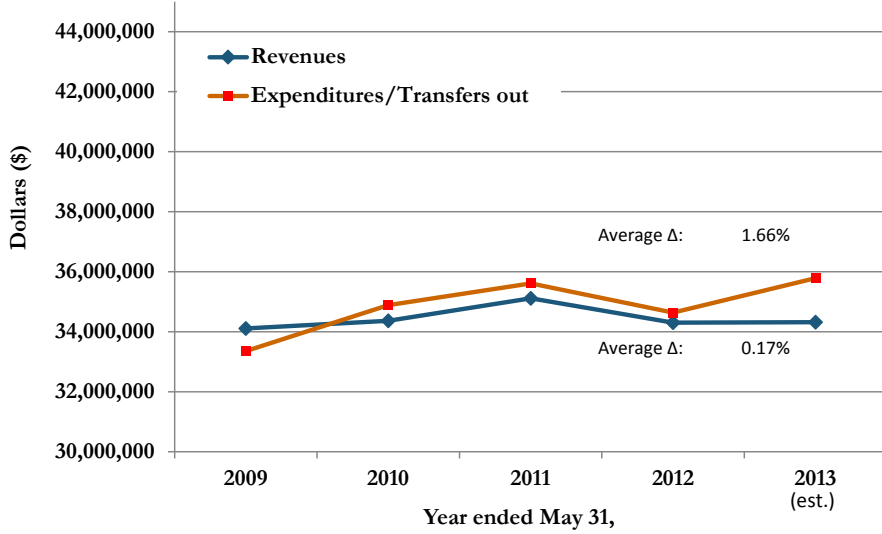
- The Village was recognized in the Wall Street Journal on January 30th, 2015. Article Attached.

Attachments

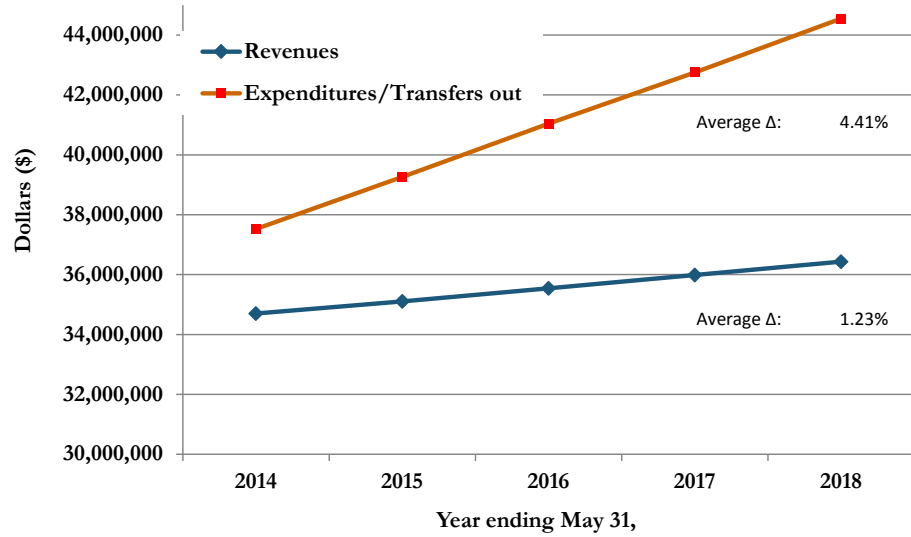
CC: Senior / Executive Staff
Maryanne Veltri, Office Assistant
File

BASE Projections 2013

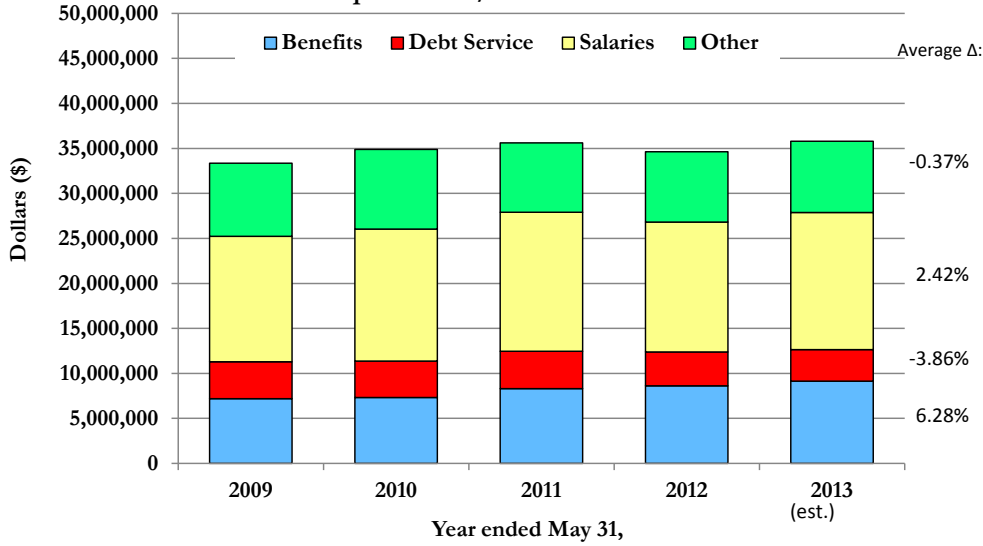
Revenues and Expenditures/Transfers out



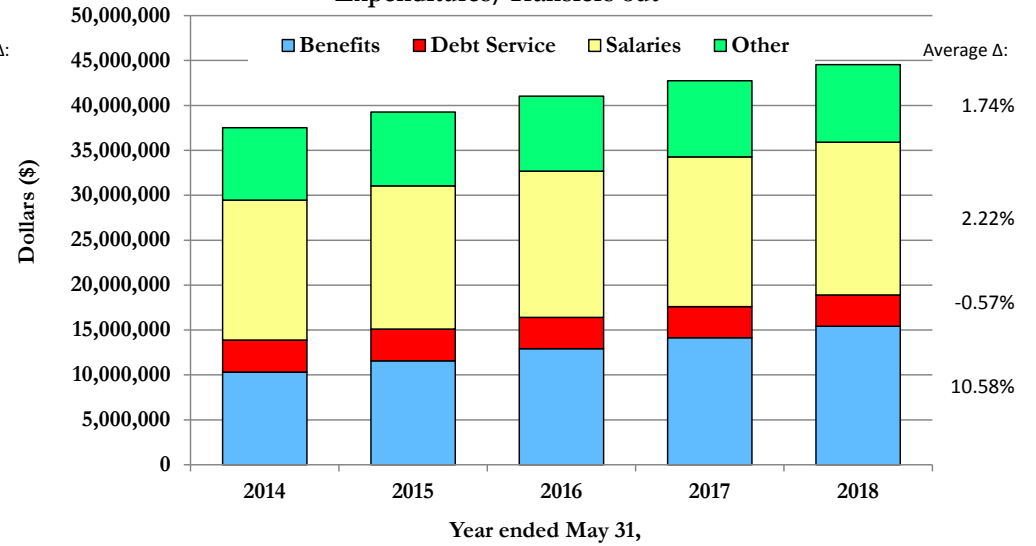
Projected Revenues and Expenditures/Transfers out



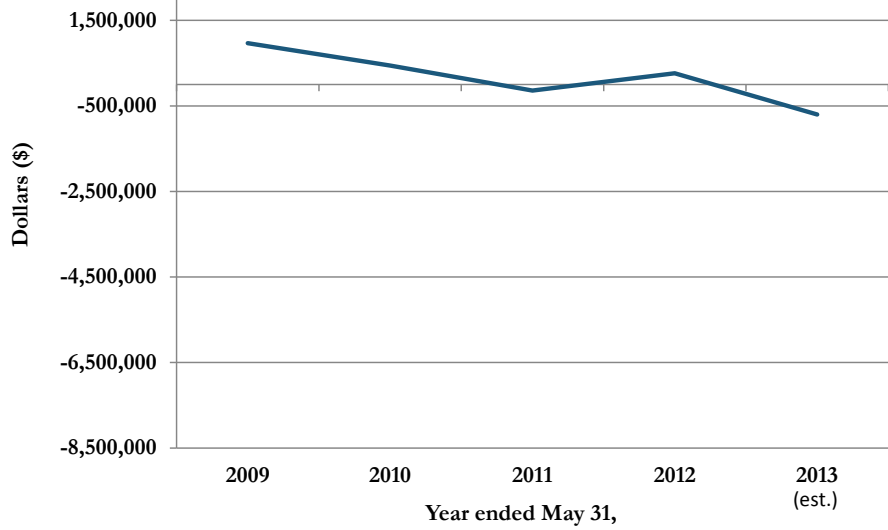
Expenditures/Transfers out



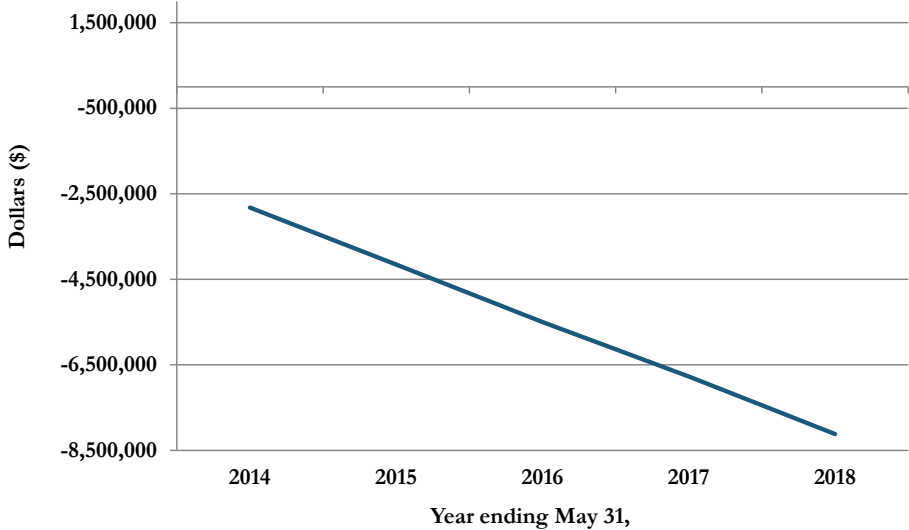
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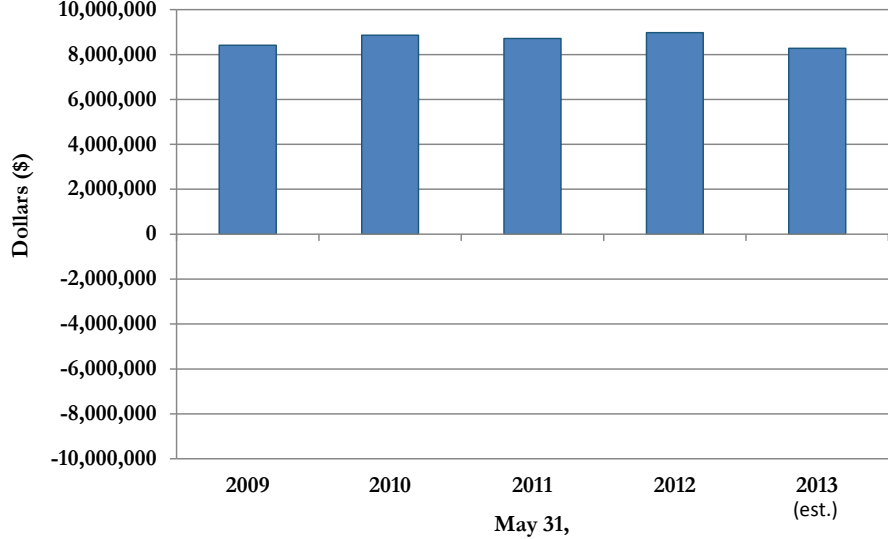
Change in Fund Balance



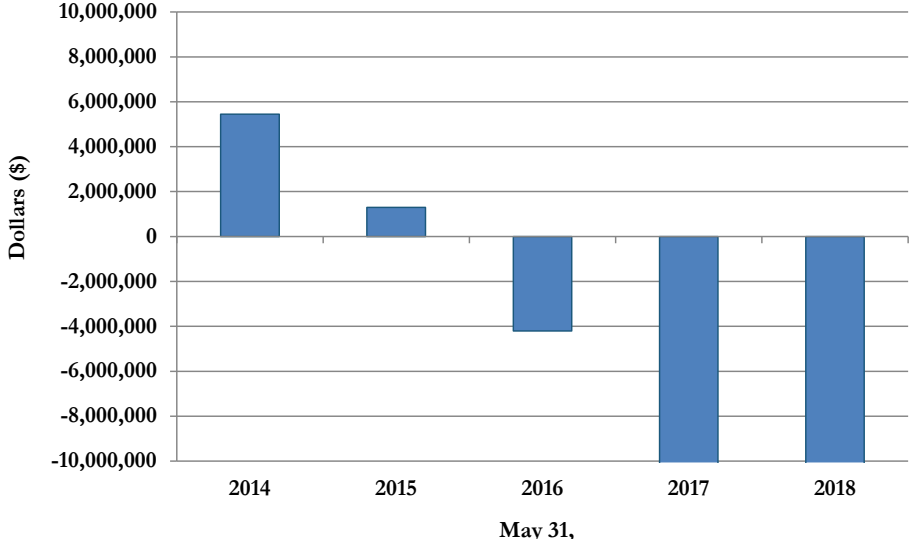
Projected Change Fund Balance



Fund Balance

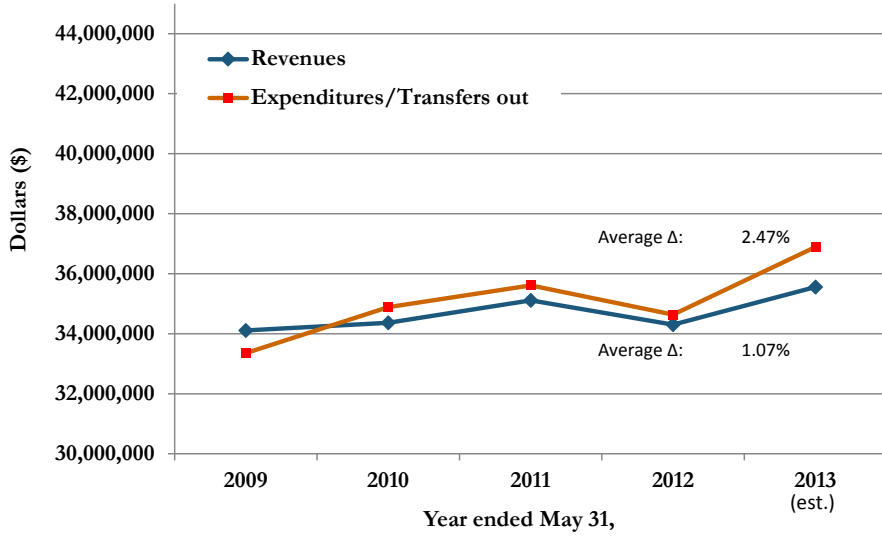


Projected Fund Balance

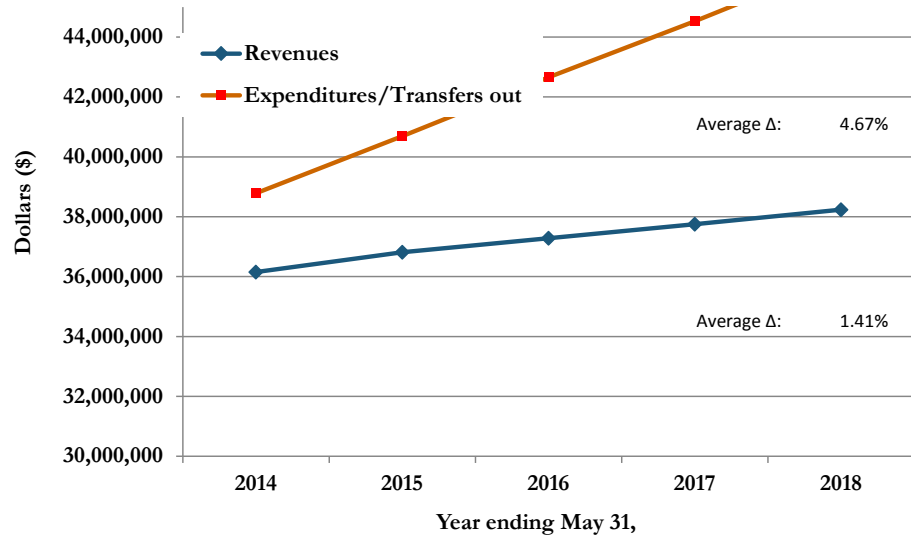


Updated 2012-2013 5 Year Operating Trend

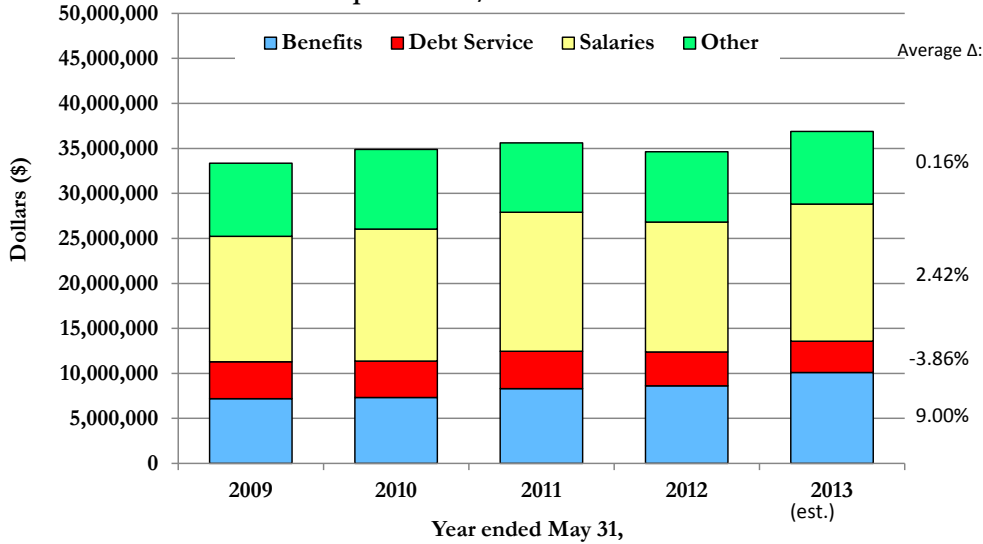
Revenues and Expenditures/Transfers out



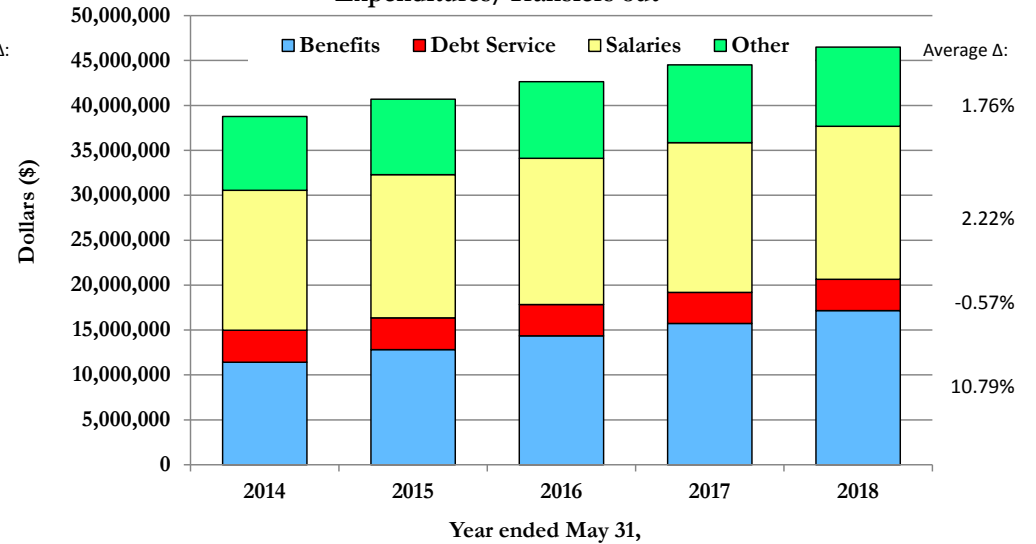
Projected Revenues and Expenditures/Transfers out



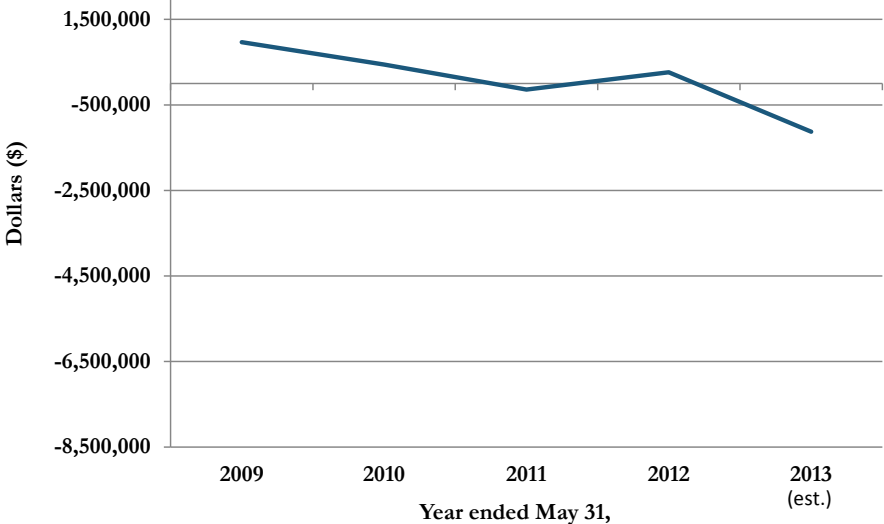
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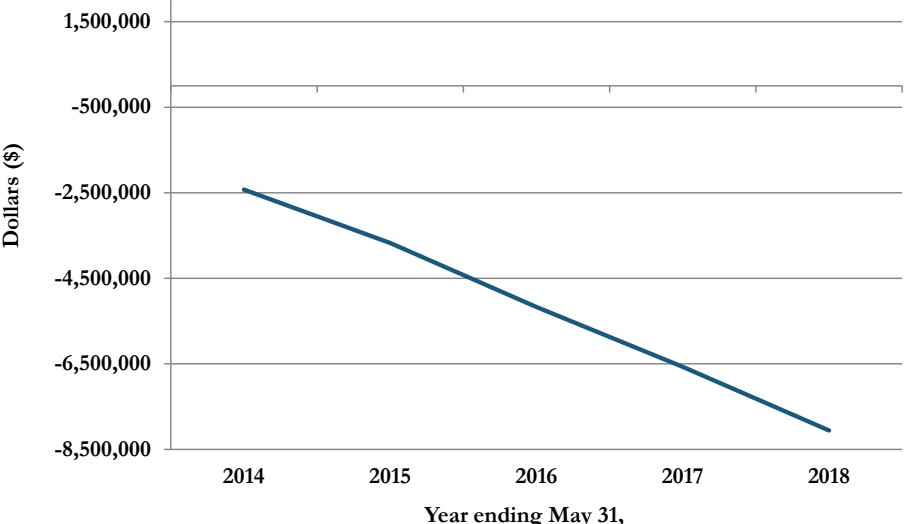
Expenditures/Transfers out



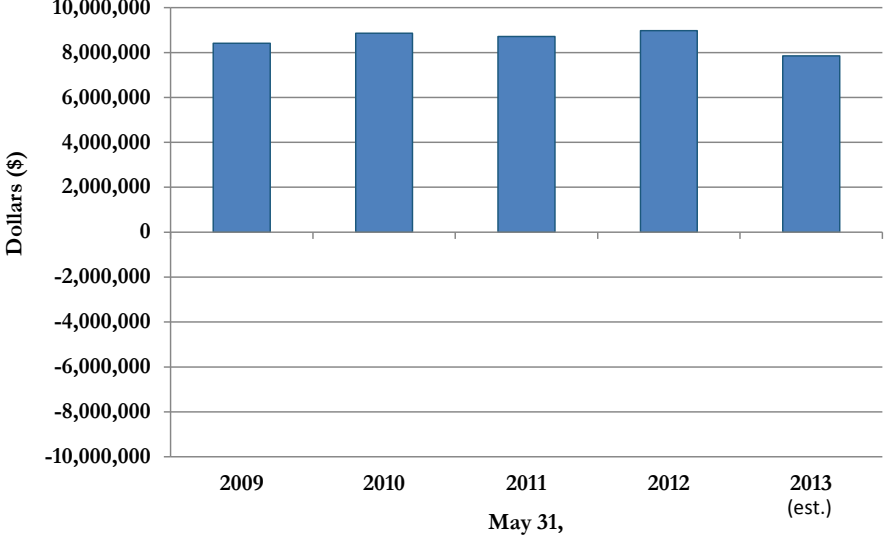
Change in Fund Balance



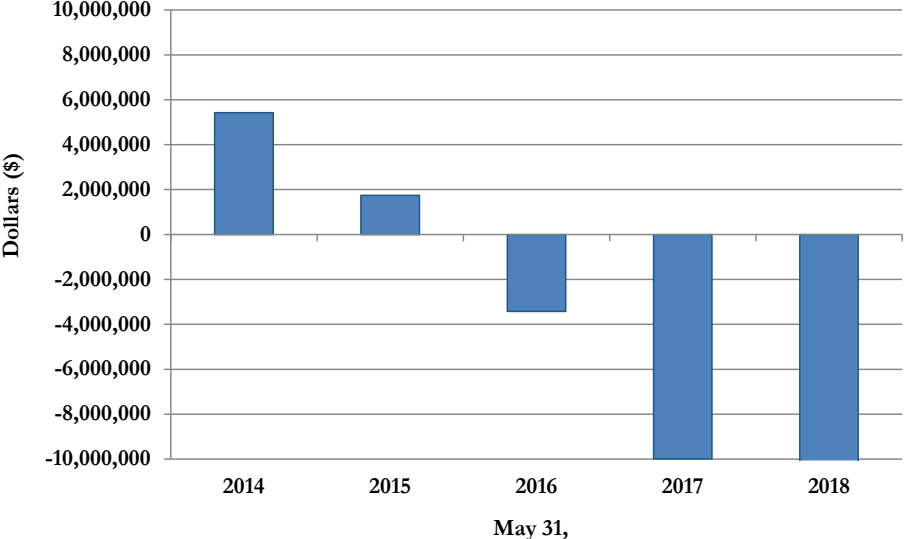
Projected Change Fund Balance



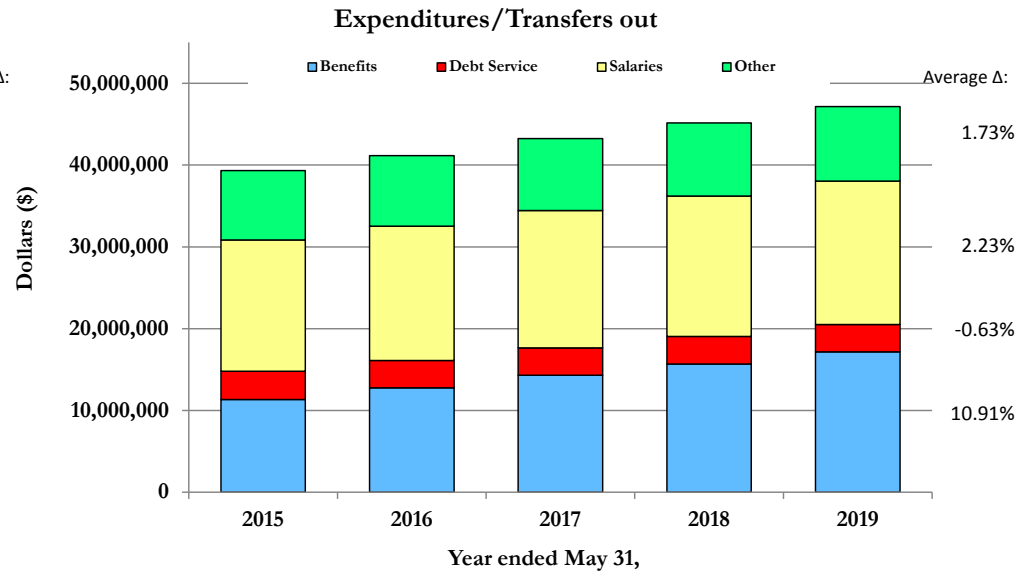
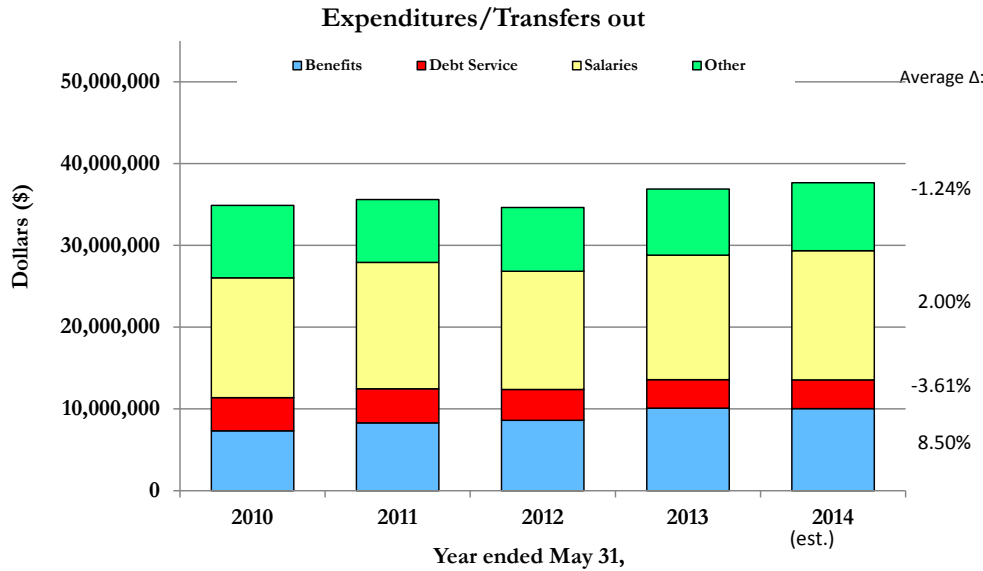
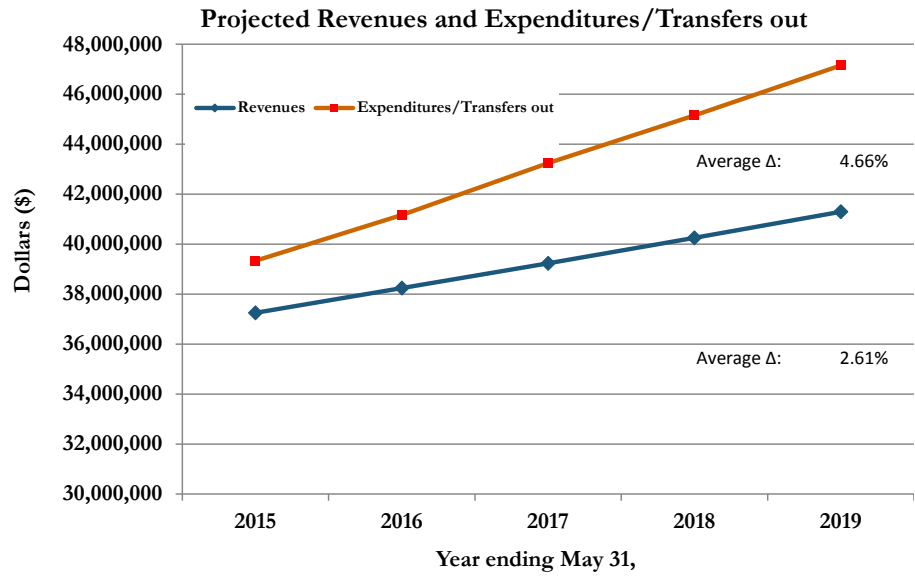
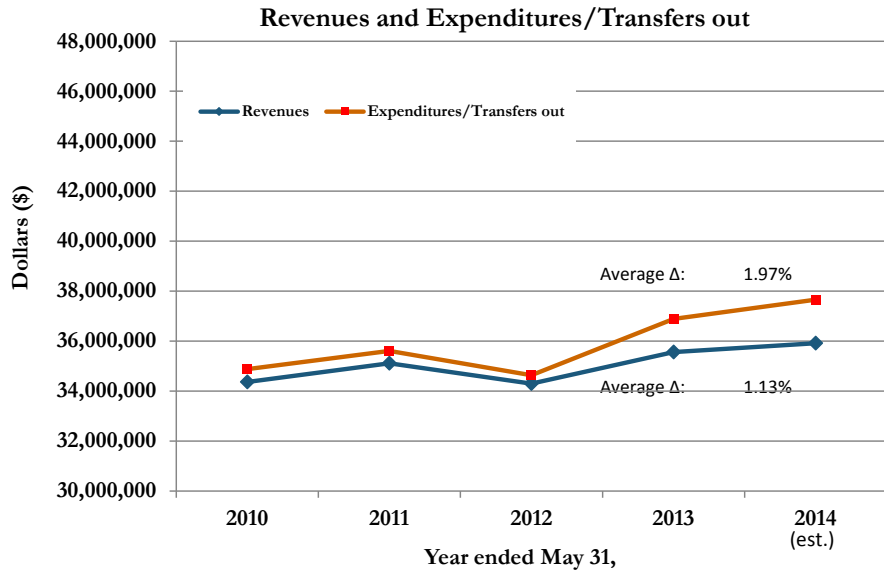
Fund Balance



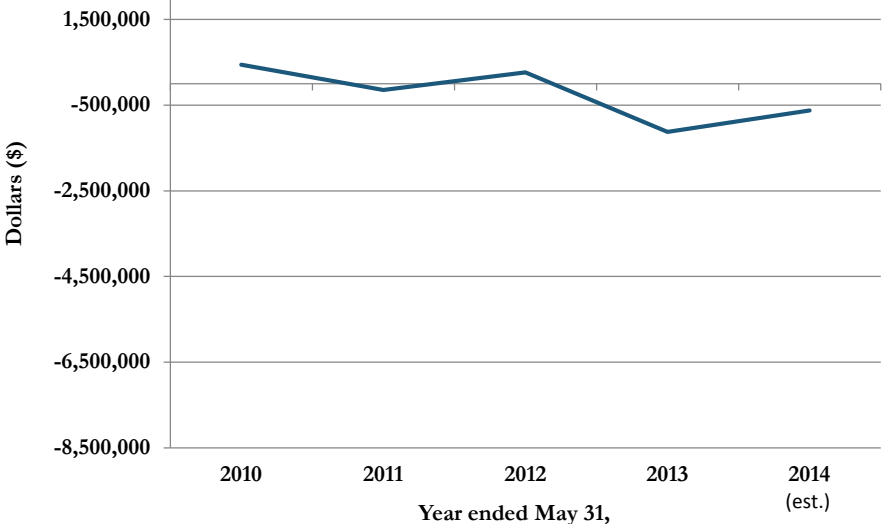
Projected Fund Balance



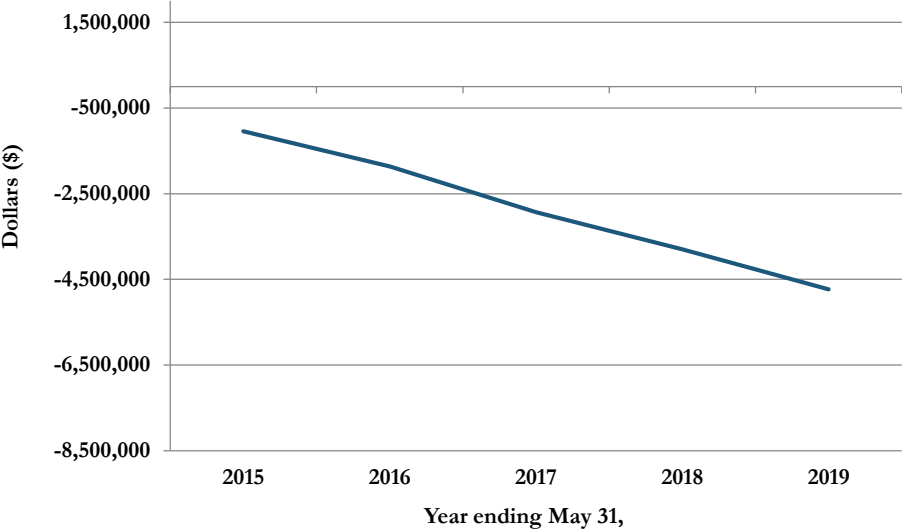
Updated 2013-2014 5 Year Operating Trend



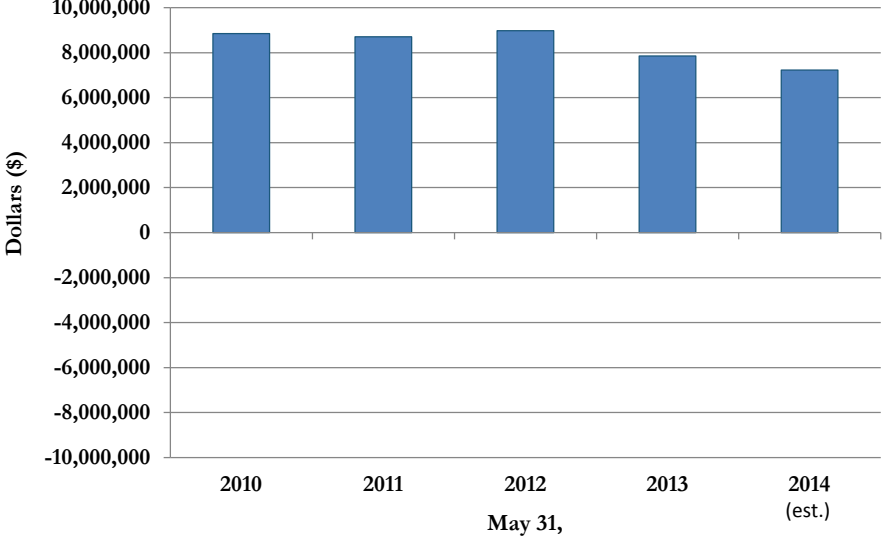
Change in Fund Balance



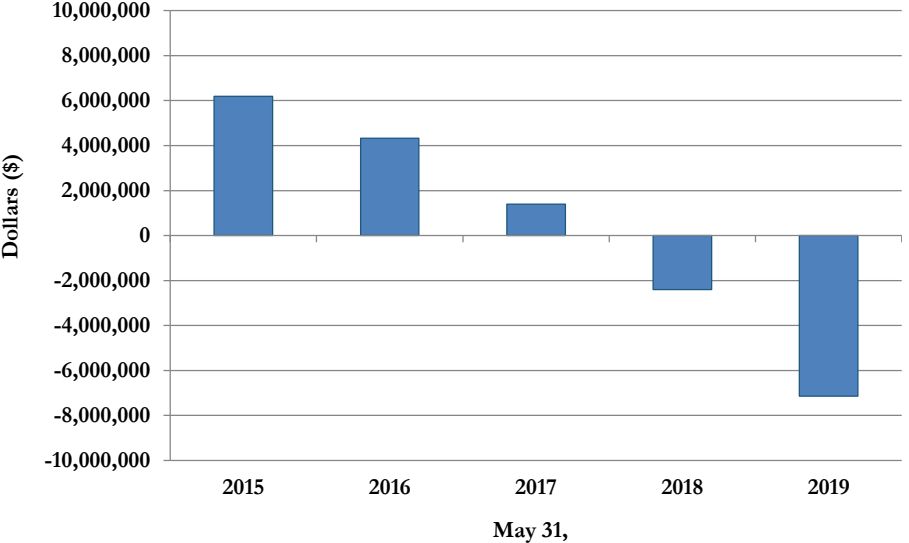
Projected Change Fund Balance



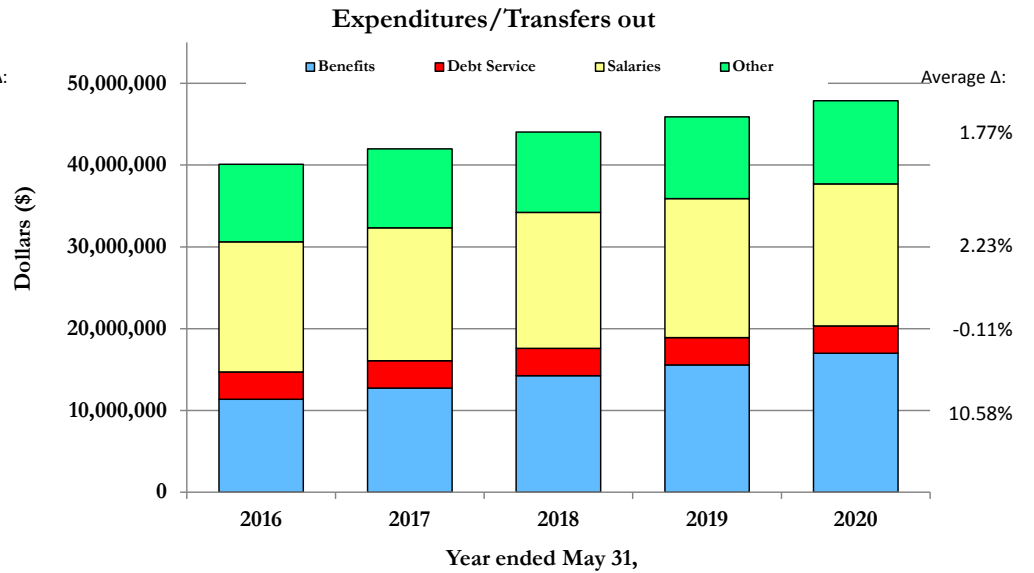
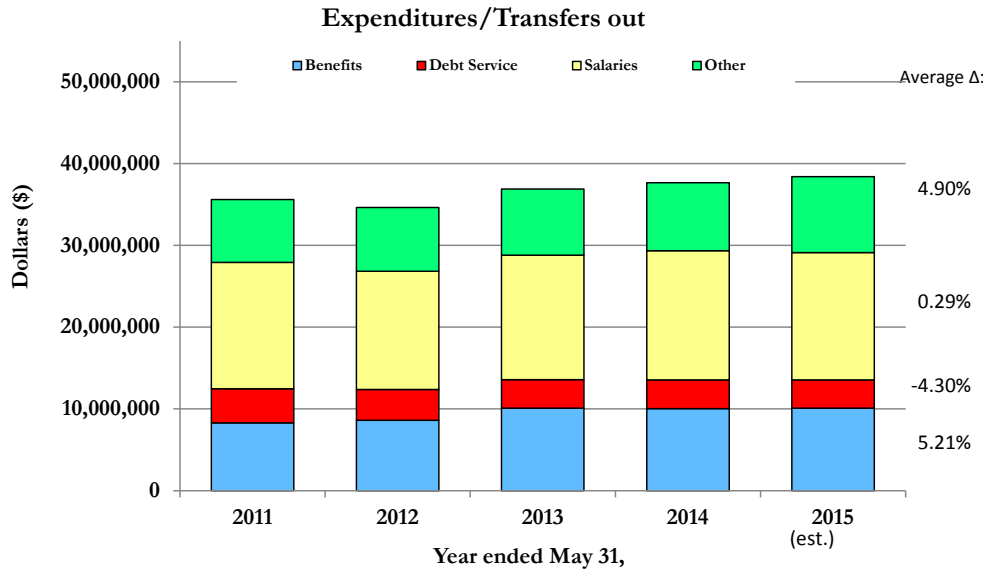
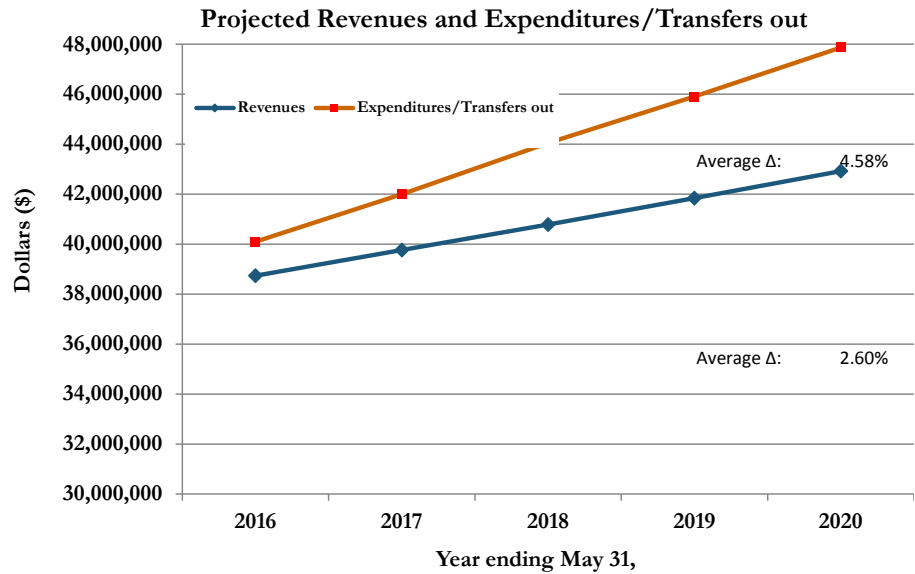
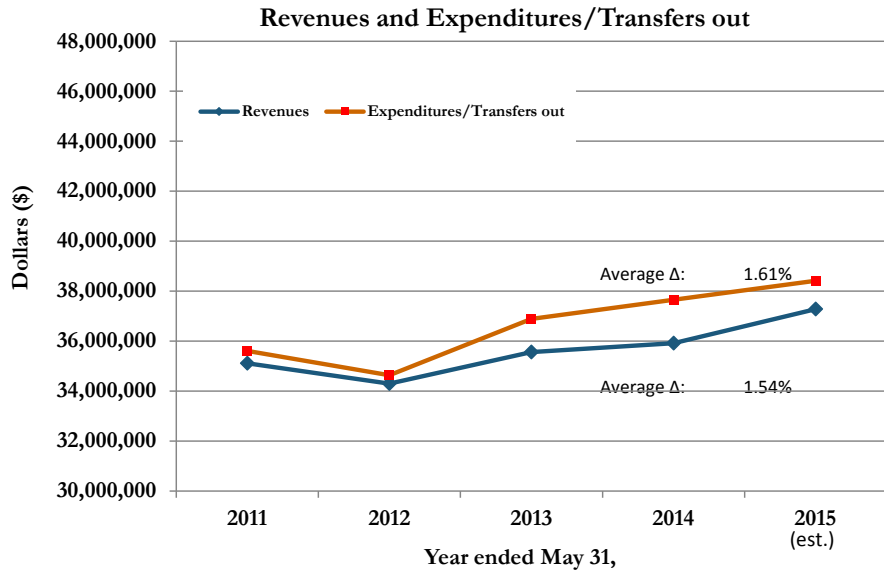
Fund Balance



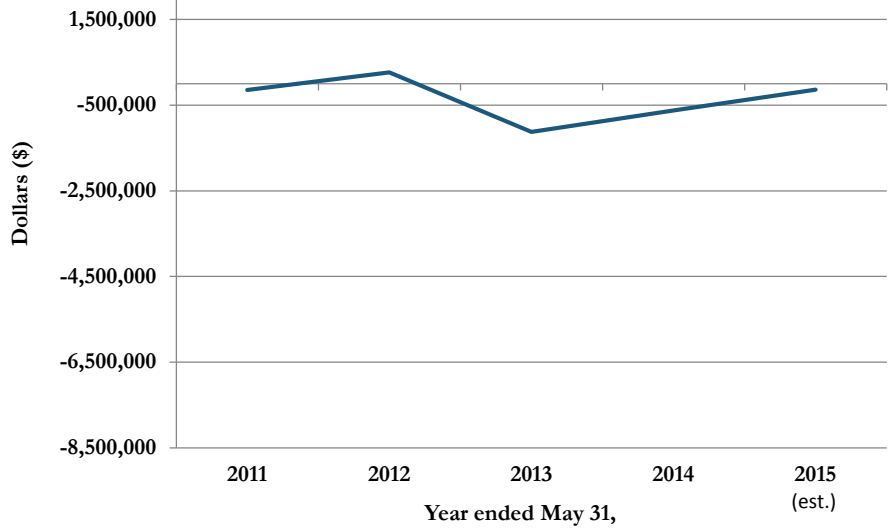
Projected Fund Balance



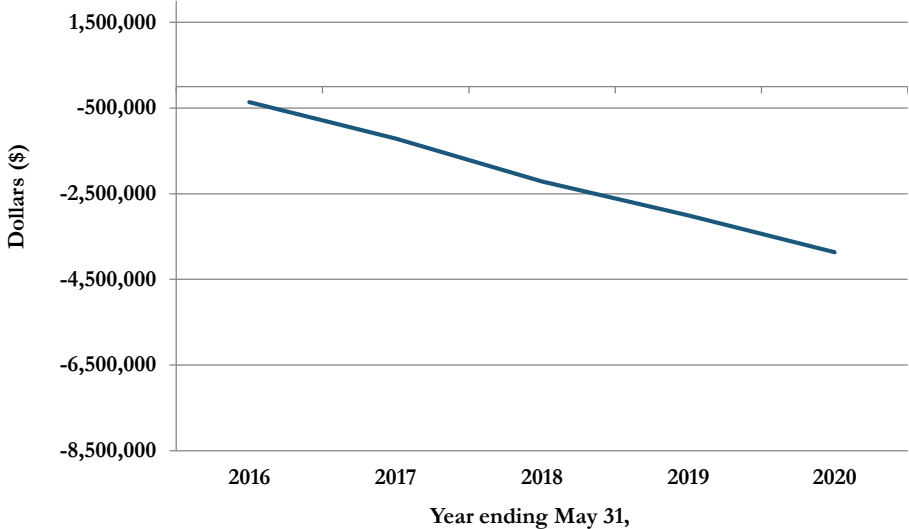
CURRENT Projections updated February 2015



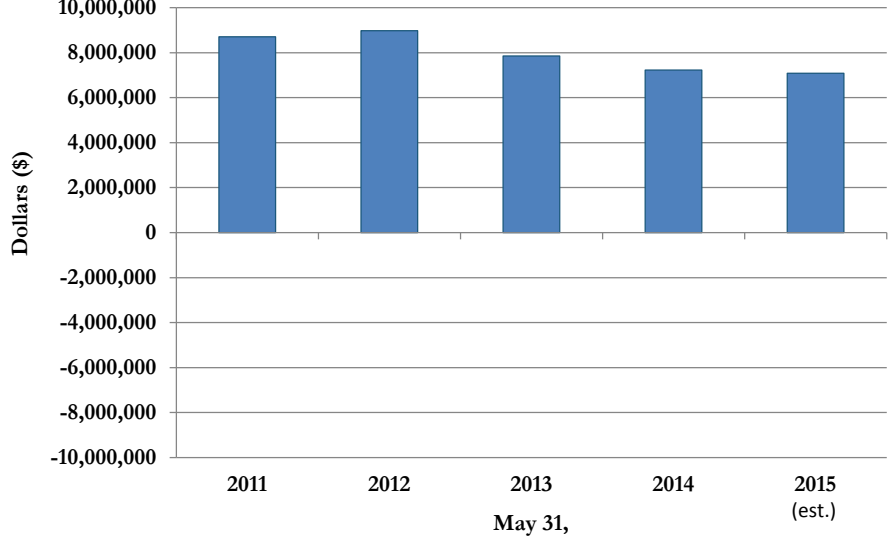
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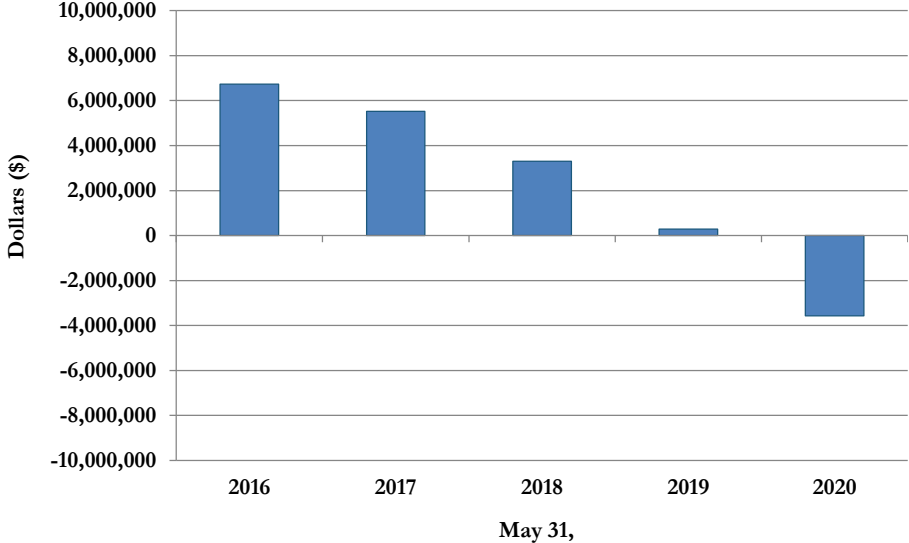
Projected Change Fund Balance



Fund Balance



Projected Fund Balance





Robert P. Astorino
County Executive

George Oros
Chief of Staff

February 6, 2015

Mayor Neil Pagano
222 Grace Church St.
Port Chester, NY 10573

Dear Mayor Pagano:

I am pleased to inform you that we are initiating County Executive Robert P. Astorino's Community Housing Infrastructure Investment Program (CHIIP). As you may recall, in 2014 the County Executive proposed this County capital project to substitute for the Community Development Block Grant (CDBG) program. By unjustly withholding CDBG funds from Westchester County, the US Department of Housing and Urban Development has stopped the implementation of needed public infrastructure projects in those Westchester's municipalities most in need of financial support. The adopted 2015 Westchester County capital budget now has in it authorization for up to \$5 million to fund up to 50% of such local projects through CHIIP.

For 2015, projects eligible for County financial support will be selected from those projects previously submitted by local governments to the County under the CDBG program and subsequently recommended for funding. Enclosed with this letter is a complete list of the eligible public infrastructure projects that you have proposed for your community.

Please review this list. We recognize that with the passage of a few years, the circumstances of these projects may have changed. For example, some may have been implemented with other funds or local priorities may have changed. For all proposed projects, the estimated construction costs will need to be updated, expanded to include the costs of design and potentially revised to reflect the maximum County share of 50% of the total project cost, including design. Staff of the County Department of Planning is available to meet with local staff to discuss the projects and cost updates.

So as to expedite implementation of local projects, it is necessary for us to set a timeframe to finalize the list of projects to be proposed to receive County financial support in 2015. The deadline for identification of 2015 local projects and updated cost estimates will be Friday, March 13.

Office of the County Executive

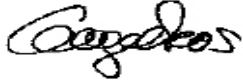
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2934 E-mail: goros@westchestergov.com



The County Executive and his staff are pleased to be able to offer this program and to once again assist in implementing local infrastructure projects in your neighborhoods and downtowns. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "George Oros". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

George Oros
Chief of Staff

Cc: Kevin J. Plunkett, Deputy County Executive
Edward Burroughs, Commissioner of Planning
Katherine Delgado, Deputy Chief of Staff

COMMUNITY HOUSING INFRASTRUCTURE INVESTMENT PROGRAM

DRAFT PROJECT LIST January 2015

Municipality	CDBG Recommended Funding	Percentage from County*	Local funds & other grants	Total Project Cost
Village of Port Chester				
Sewer Pollution Elimination	\$150,000.00	50%	\$150,000.00	\$300,000.00
Soundview Ave. / Bent Ave. / N. William St. Sidewalk Improvements	\$260,000.00	51.9%	\$241,000.00	\$501,000.00
Streetscape Improvements	\$233,250.00	62.2%	\$142,000.00	\$375,250.00
Sewer & Storm Drain Improvements	\$150,000.00	60.0%	\$100,000.00	\$250,000.00
Sidewalk Improvements FY 12 -14	\$150,000.00	75%	\$50,000.00	\$200,000.00
Abendroth Volleyball Court	\$30,000.00	66.7%	\$15,000.00	\$45,000.00

* CHIIP funding may not exceed 50%.



VILLAGE OF PORT CHESTER
DEPARTMENT OF PLANNING & DEVELOPMENT

222 Grace Church Street, Rm. 202
Port Chester, NY 10573
(P) 914.937.6780
(F) 914.939-2733

Christopher Gomez, AICP, Director
Jessica Youngblood, MCP, Planner
Constance Phillips, Planning Commission Secretary

ACTIVE PLANNING AND DEVELOPMENT INITIATIVES

Item	Description	Status
C1 Neighborhood Retail Zoning Analysis: medical, dental office use	<p>Preliminary analysis regarding a potential zoning text change to permit medical in the C1 Neighborhood Retail District either as-of- right or by special exception permit subject to existing special exception criteria as defined in §345-61U.</p> <p>This action is considered a Type I Action under SEQRA regulations and requires a determination of significance from the Board of Trustees prior to final approval.</p> <p>Note that even such a seemingly simple change requires a broader discussion and analysis in so much as any amendment to the zoning table to permit medical uses would also require amendment to special exception §345-61U, impacting all existing and future medical uses Village-wide beyond the C1 District.</p>	Presentation to Board of Trustees completed December 2014, January 2015. Referral to Planning Commission to consider future draft local law, February 2015.
School Children Generation Mitigation Formula (Funded, initiated by the Village IDA)	Development of mitigation formula applicable to multi-family residential development seeking to provide monetary contribution to any additional impact to the school district as a result of the project.	Presented to BOT on December 2014.
Redevelopment of the former United Hospital Site (Starwood)	Mixed-use redevelopment proposal for the former United Hospital site located within the Village's PMU Planned Mixed Use District to permit: 500 "Millennial" housing units, 240 age-restricted housing units, an approx. 138-key limited service hotel, 100,000-200,000 square feet of medical office, approx. 90,000 square feet of retail, ample public and green space, and improved access to Abendroth Park.	Preliminary DEIS provided by Applicant December 30, 2014. Village consultants and staff reviewing for completeness for BOT action February 2015.

New York State Regional Economic Development Council Grant Funding	Application, management and oversight of all applied and received local, state and federal funding grants for the repair of the collapsed bulkhead with new public activity platform.	DOS-LWRP FY2013-2014: awarded \$225,420 for design and construction plans + permits. Contract executed October 2014. Final RFP for design and construction plans + permits approved by DOS, January 2015. RFP publically released February 2015; deadline for response by March 2, 2015.
Hazard Mitigation Planning (County-wide Plan)	Westchester County preparation county-wide hazard mitigation planning, i.e. hurricanes, blizzards, flooding, etc. Completion ensures eligibility for emergency management funding.	Consultants and county finalizing report. Distribution anticipated Spring 2015.
Site Plan Procedural Amendment	Proposed zoning text change under §345-23 Site Plan Review Procedure and Standards to clearly delineate site survey requirements and extend site plan approval from the current four months (120 days) to one year.	Public Hearing conducted on December 15, 2013. Legislation adopted January 5, 2015.
Lot Line Adjustment	Land subdivision legislation to allow for lot line adjustments (least intensive threshold for land subdivision) applied to Chapter 402A Land subdivision.	Draft legislation complete: requires approval body endorsement.
Proposed Zoning Procedural Amendment	Procedural amendment to Chapter 345 Zoning for applications requiring a use variance.	Draft legislation complete: requires approval body endorsement.
Economic Development Promotional Material	Completion of economic development flyer to promote the Village's existing and future opportunities as emphasized in the Comprehensive Plan, Strategic Plan, LWRP,	Completed.
	Update to Village seal promoting the 150 th anniversary of incorporation (1836).	Completed.

VILLAGE OF PORT CHESTER

DEPARTMENT OF PLANNING & DEVELOPMENT

222 Grace Church Street, Rm. 202
Port Chester, NY 10573
(P) 914.937.6780
(F) 914.937.3169



Christopher Gomez, AICP, Director of Planning and Development
Jesica Youngblood, MCP, Planner
Connie Phillips, Secretary

ACTIVE PLANNING APPLICATIONS

Address	Project Description	Status of Project
10 Pearl Street	Ground floor restaurant with three floors office.	Public meeting, February 23, 2015.
110 Westchester Ave	Dental office.	Public meeting, February 23, 2015.
29, 37-39 N Main Street	Outdoor bar.	Public meeting, February 23, 2015.
500 N. Main Street	Health club approval.	Pending approval, February 23, 2015.
The Mariner	Site plan amendments.	Public meeting, February 23, 2015.

APPROVED APPLICATIONS

Address	Project Description
21 Abendroth	Shared parking approval
411 Westchester Ave	Amendment to existing wireless facility.
110 Midland	Amendment to approved site plan for automated car wash; special exception use
Capital Theatre	Site plan approval amendments
120 N Pearl	New multi-family building (50 units) with high-end amenities + parking.
163 N. Main	Tarry Market Alley way.
8 Slater	Warehouse expansion for vehicle storage
25 Willett Ave	Creation of American Bar & Restaurant.
242 King St	Expansion of existing office building.
264 Boston Post Road	Legalization of freezer at existing drive-thru restaurant
411 Westchester Ave	Modification of existing base station and renew existing special exception use permit for wireless telecomm facility (Verizon).
411 Westchester Ave	Modification of existing base station and renew existing special exception use permit for wireless telecomm facility (Sprint).
135 S Main Street	Site plan approval for construction of two new two-family residences.
117 N Main Street	Open a family oriented Papa John's pizza restaurant
999 High Street	Renewal for special exception use permit for wireless telecomm facility (AT&T).
167-169 Terrace Ave	Modification of existing base station and renew existing special exception use permit for wireless telecomm facility (Sprint).
999 High Street	Modification of existing base station and renew existing special exception use permit for wireless telecomm facility (Sprint).
222 Grace Church St	Modification of existing base station and renew existing special exception use permit for wireless telecomm facility (Sprint).
45 Townsend	Remove an existing two family dwelling and use the parcel for open storage of materials.
126 North Main St	Gastropub styled restaurant featuring weekend acoustic performances.

33 New Broad St	Open microdistillery as part of larger sustainable/farming operation.
152 King Street	Proposed interior renovations to a 1-story building to convert existing repair bays to a convenience store.
96 Perry Ave	Two-lot subdivision
145 Westchester Ave	Expansion of use and operation of the space by annexing it into the adjacent existing overall operations of The Capitol Theatre.
149-151 Westchester Ave	Capitol Theatre expansion of capacity use/increase occupancy from 1,835 to 2,205; add exterior walk in cooler, use of sidewalk hydraulic material lift and addition of mobile stand up bars.
36 Midland Avenue	Installation of sectional overhead doors & relocation of 3 parking spaces.
104 North Main Street	Reconfigure existing takeout restaurant & expand kitchen & dining room into existing adjacent tenant spaces, renovate existing basement for auxiliary use to restaurant on 1st floor, install new NFPA Sprinkler System throughout entire building.
110 Midland Avenue	Installation of a self-contained cosmetic spray booth within open warehouse space in accordance with Westchester County emission permit.
110 North Main Street	Raise existing roof structure to provide habitable space. Existing 2nd floor to be used as an office, storage, private dining and a service kitchen for private dining.
400 Westchester Ave	Construct a rear handicap-accessible rear facility entrance with canopy and fence; Replace playground equipment
275 Boston Post Road	Renovate existing vacant food service establishment into a Popeye's franchise restaurant with drive-thru.
110 Westchester Ave	Provide pedestrian access from Village owned muni parking lot to rear of common property line, install new exit door, walkway with lighting new fencing and new lawn.
26 Putnam Ave	Site Plan approval for continued use of an existing Sign/Graphic Design Shop (2nd fl.) and approval for a change of use (1st fl.) for current non-conforming use as a laundromat.



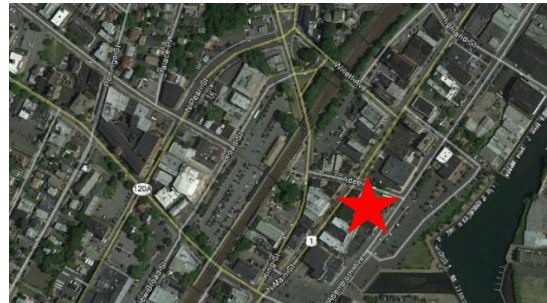
VILLAGE OF PORT CHESTER
DEPARTMENT OF PLANNING &
DEVELOPMENT

222 Grace Church Street, Rm. 202
Port Chester, NY 10573
(P) 914.937.6780
(F) 914.939-2733

Christopher Gomez, AICP, Director
 Jessica Youngblood, MCP, Planner
 Constance Phillips, Planning Commission Secretary

To: Chairman Gregory and Planning Commissioners
 From: Christopher Gomez, AICP, Director of Planning & Development
 Jessica Youngblood, MCP, Planner
 Re: January 26, 2015 Planning Commission Meeting Comment Memorandum
 CC: C. Steers, T. Cerreto, P. Miley, D. Rotfeld, C. Phillips
 Date: January 23, 2015

3. 29, 37-39 N Main Street (Case #2015-0117)



Section, Block, Lot: 142.31-1-16, 142.31-1-13 & 142.31-1-14
 Zoning District: C2 Main Street Business District
 Lot size: 11,485 sqft, 2,262 sqft, and 7,063 sqft (20,810 sqft/0.48 acres)
 Owner: RDC Realty
 Applicant: Robert Luiso, Michiel Boender, Architect

Project Overview:

The Applicant proposed to construct a new, covered outdoor bar seating area on the Copacabana property (Section 142.31-1-16) extending onto the Café Brazil property (Section 142.31-1-14) in the C2 Main Street Business District. This extended outdoor dining area will add approximately 27 seats and approximately eleven standing tables with umbrellas, totaling 1,678 square feet of renovated space at 29 N Main Street and 2,537 square feet of renovated floor space at 37-39 N Main Street. The Applicant will provide an unobstructed egress path extending from the existing laundromat back door (37-39 N Main Street) to the sidewalk along Abendroth Avenue. Also, the Applicant proposes to remove existing fence, sliding gate and planter between Café Brazil and Copacabana and install new perimeter plantings to match the existing ones.

The proposed outdoor bar seating area will operate between Memorial Day and Labor Day on Thursdays from 5PM-1AM, Friday/Saturday from 5PM-2AM, and Sundays from 1PM-1AM. These hours of operation align with the set hours of live entertainment operation for an ancillary entertainment license as issued by the Village Clerk per §250-11 of the Village Code.

No off-street parking is required as part of the proposal. Based on square footage, two (2) off-street truck loading spaces are required – Applicant shows two spaces on-site.

Zoning Compliance Review:

The attached Zoning Compliance Form completed and certified by the Village Building Inspector indicates that the proposed outdoor bar seating area is classified as extended use of existing restaurant space, and ‘restaurant’ is a permitted use in the C2 Main Street Business District.

The proposal requires two (2) off-street truck loading spaces, and Applicant provides two (2) on-site. No variances are required.

An ancillary entertainment license through the Village Clerk is required for this application per §250-11 of the Village Code.

SEQRA Classification:

The Proposal is considered an Unlisted Action under SEQRA and requires a Determination of Significance prior to site plan approval.

Required Approvals:

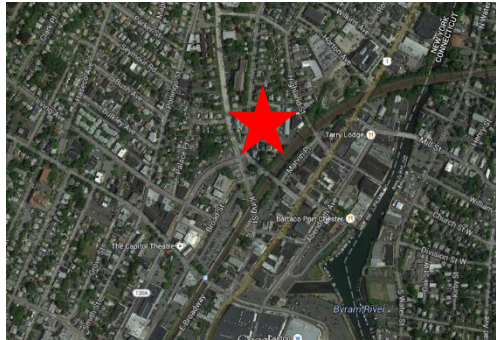
- Site plan approval (Planning Commission)
- SEQRA Determination of Significance (Planning Commission)
- Consistency Determination (Waterfront Commission)
- Notification to Westchester County Planning Board (Village Staff)

Next Steps:

The Planning Commission should refer the application to the Waterfront Commission for consistency determination. The Planning Commission may consider setting the public hearing for the application for February 23, 2015.

Continue to Next Page

4. 141 Abendroth Avenue/21 Willett Avenue (Case #2015-0118) Formerly #679(F113) & 408E(F113)



Section, Block, Lot: 142.23-2-47 (formerly 142.23-2-13, 142.23-2-14, 142.23-2-15)

Zoning District: C2 Main Street Business District

Lot size: 60,559 sqft,

Owner: Mariner Port Chester LLC

Applicant: Anthony Gioffre, Esq. of Cuddy & Feder, LLP o/b/o The Mariner Port Chester, LLC

Project Overview:

The Applicant seeks relief from conditions numbers 16, 22, and 31 of the adopted Site Plan Resolution (dated January 25, 2010):

- Condition #16: *“The applicant shall place all overhead utilities underground, shall reconstruct all sidewalks and curbs and shall install street landscaping and associated facilities immediately surrounding the site in accordance with Village standards and specifications, prior to the issuance of a Certificate of Occupancy.”*
- Condition # 31: *“All on-site utilities shall be installed underground.”*
- Condition # 22: *“The Applicant shall fund an escrow account of sufficient amount to provide monitoring of the Abendroth Avenue/Willett Avenue intersection at 6 month intervals for a period of two years after 75% of the units in the building are occupied. Said monitoring shall be supplied to the Planning Commission in a timely manner. If, in the sole opinion of the Planning Commission, the Levels of Service or overall traffic conditions are the intersection deteriorate appreciably, the applicant shall install a traffic light at this intersection, at its sole expense, to mitigate this situation.”*

SEORA Classification:

The project is classified as a Type II Action under the State Environmental Quality Review Act and requires no further action.

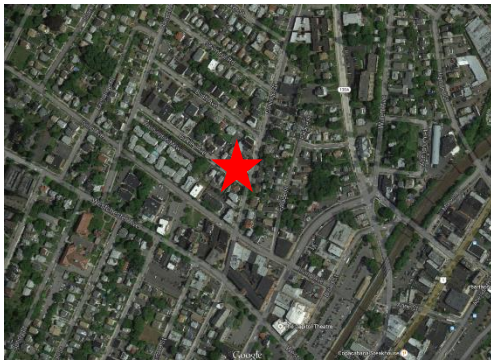
Required Approvals:

- Site Plan amendment approval (Planning Commission)

Next Steps:

It is recommended that the Planning Commission set the public hearing for February 23, 2015 to consider the application.

3. 10 Bulkley Ave (Case #2014-0115)



Section, Block, Lot: 142.22-1-49
Zoning District: R2F Two-Family District
Lot size: 0.115 acres
Owner: Guiracochoa's Group LLC
Applicant: Guiracochoa's Group LLC/David Mooney/Frank Allegretti

Project Overview:

Applicant seeks minor change of use from former automobile service business with accessory office to a more restrictive (less intense) use as a woodworking shop with accessory office. The proposal is located at 10 Bulkley Avenue within the R2F Two-Family Residence District and also contains a legal three-family residential structure. This minor change of use is from one legally non-conforming use to another legally non-conforming use; and, as provided by §345-13(C), is permissible provided that: a) no structural alterations are made and b) in the opinion of the Zoning Board of Appeals the converted use is the same or more restrictive (less intense) in nature. Applicant must receive said approval from the Zoning Board of Appeals prior to Planning Commission action.

Zoning Compliance Review:

The attached Zoning Compliance Form completed and certified by the Village Building Inspector indicates that the proposed 'woodworking shop with accessory office' use is a legally non-

conforming use provided approval by the Zoning Board of Appeals per §345-13(C). The proposal requires two (2) parking spaces, which Applicant provided on-site as shown on site plan.

SEORA Classification:

The Proposal is considered an Unlisted Action under SEORA and requires a Determination of Significance prior to site plan approval.

Required Approvals:

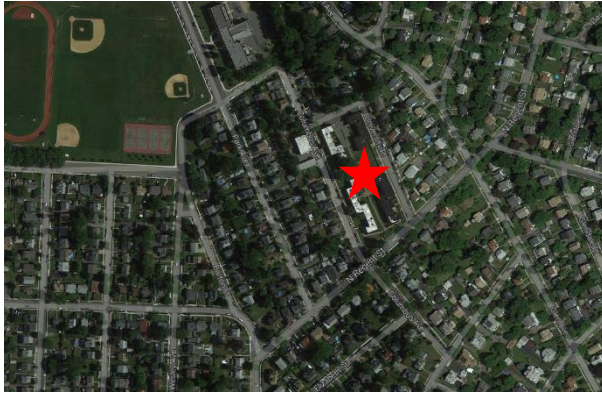
- §345-13(C) (Zoning Board of Appeals)
- Site plan approval (Planning Commission)
- SEORA Determination (Planning Commission)

Next Steps:

The Planning Commission referred the Applicant to the ZBA at the November 24th meeting. The ZBA requested the Village Attorney to draft a positive Findings of Fact pertaining to §345-13(C) for the February 19th meeting.

Continue to Next Page

9. 14 University Place (Case #2014-0116)



Section, Block, Lot: 136.61-1-27

Zoning District: R5 One Family Residence District

Lot size: 2.74 acres

Owner: UCF Regent Park, LLC

Applicant: UCF Regent Park, LLC /Paul Berte, P.E., Fusion Engineering, Inc.

Project Overview:

Applicant to legalize exterior site improvements to existing 73-unit residential development located off of N Regent Street between Columbus Avenue and University Place (also known as Regent Gardens Apartments). Site improvements are cosmetic in nature and include the already-constructed 36" high post and rail fence along the property boundary, the addition of a ±12'X16.5' wood frame gazebo at the corner of Columbus Avenue and North Regent Street, a wood frame 13.5'X13.5' pergola situated over an existing sidewalk/courtyard area in the center of the facility, and an 11'X11' pergola at the building situated at 14 University Place. The application also includes the legalization of two (2) stone signs at the southwestern and southeastern corners of the property.

The exterior site improvements are considered structures per Village Code and therefore require site plan approval per Chapter 345 Zoning of the Village Code.

The application involves no interior work and does not change the unit count or configuration of the existing residential buildings. No impacts to traffic, infrastructure or to the environment are anticipated from the application.

Project Proposal From:

As indicated by the Applicant in the Project Proposal Form and subsequent discussions with the Planning Office, the following information was presented:

- No additional staff required
- No additional units added
- Site work is exterior and cosmetic in nature only

Zoning Compliance Review:

The attached Zoning Compliance Form completed and certified by the Village Building Inspector indicates that the proposed 'multi-family residential' use is permitted in the R5 Residential District based on previous zoning determinations. However, the gazebo, the two stone signs, and one of the two pergolas require area variances. Additionally, the perimeter fence is located within the public right of way. As a result, the Applicant must seek approval from the Board of Trustees or remove the fence and place within the property lines.

(Refer to previously provided Zoning Compliance Form for details).

SEORA Classification:

The Proposal is considered a Type II Action under SEQRA and does not require further environmental review.

Required Approvals:

- Site plan approval (Planning Commission)

Next Steps:

The Planning Commission referred the Applicant to the ZBA at the November 24th meeting. Applicant is anticipated to appear before the ZBA on February 19, 2015 for the required area variances. Application will not appear before the Planning Commission until ZBA takes action.

Monthly
Report

February 1

2015

Building Department & Code Enforcement

Monthly Report
Update
February 2015

MONTHLY REPORT

BUILDING DEPARTMENT

Workload in all areas continues to increase, staff continues to decrease. Currently, the department is down 4 positions: 2 PT Assistant Building Inspectors (ABI) (1) Office Assistant Automated Systems and (1) Office Assistant Automated Systems “Spanish speaking.” Hiring list(s) have been requested prior to the new year, still waiting. Currently, there are no competent inspectors available for hire. ABI Positions were offered to 2 people, both declined. The reasons given: PT pay is too low and both were offered a position in another municipality. New ABI hire (last on list) is to be terminated on 2/20/2015.

Tasks “not” being completed are as follows:

- Post scanning: new documents requiring scanning and indexing after the date of return regarding the contracted scanning.
- Review of documents for submission to files i.e. property files, code files
- Maintaining files for accuracy. Files require a review, update and maintenance to ensure accuracy for prior to public municipality viewing.

January, usually the slowest of all months, turned out to be one of the most productive. Permits, consultations, inspections and revenues have all increased in comparison to the same time last year 2014.

January 2015

Stop Work Orders	5	\$1,346.00
Certificate of Occupancy	22	\$5,250.00
Building Permits	60	\$58,172.55
Plumbing Permits	27	\$3,990.00
Electrical Permits	22	\$2,250.00
Sign Permits	4	\$400.00
Tank Permit	10	\$560.00
Permit to Occupy Sidewalk	3	\$39,310.00
Temporary Certificate of Occupancy	8	\$3,400.00
Application for Amendment	0	
Searches	59	\$11,670.00
Foils	11	\$89.25
Consultations	94	
Inspections	105	

\$126,437.80

CODE ENFORCMENT

Staff levels are adequate, workload continues to increase.

Focus during the inclement weather was geared at assisting DPW. Coordination with DPW and Code resulted in the enforcing of the Village code with regard to placing snow in streets. Essentially, code trailed DPW via radio and responded to requests made by DPW to minimize the impact of snow being thrown into the street. The efforts and collaboration by both departments went extremely well.

January too, turned out to be a productive month. Inspections and revenues have all increased in comparison to the same time last year 2014.

January 2015	
Fire Safety Program	
Scheduled Fire Inspections Conducted	87
Fire Inspections Failed - NOV issued	38
Re-inspections Conducted	49
Certificates of Compliance Issued	31
Fees Collected	\$18,350
Request to Conduct Fire Inspection Notices Sent Out	110
NOV's For Failure To Respond to Fire Safety Renewal Notice	41
Appearance Tickets Issued	0
Additional Inspections	
Sprinkler/Flow Inspections	0
Sprinklers - Hydrostatic Inspections	0
Fire Alarm Inspections	0
Kitchen Fire Suppression System Inspections	0
Court Inspections	3
Stop Work Order Issued	0
Fire/Police Referral Inspections	20
Unsafe/Unfit Structure Inspections	0
Knox Box Inspections	1

Fire Inspections	87
Re-inspections	49
Total Fire Inspections	136
Add'l inspections	24
Grand Total	160

January 2015	
Code Enforcement Program	
Complaints Received	112
Inspections Conducted (as a result of complaints)	255
Right of Entry Requests	1
Notice of Violations Issued	74
Illegal Dwelling, Overcrowding Complaints (IDW & OC)	1
Notice of Violations Issued re: (IDW & OC)	0
Appearance Tickets Issued	4
Stop Work Orders	3
Compliance Case Closed	60
Unfounded	7
Referred to PC Building Department	7
Referred to PC Police Department	1
Fire Safety Referral (from PCCE to FS)	0
Referred to PC DPW	5
Referred to Westchester County Department of Health	1
Referred to HUD	0
Referred to PCHA	0
January 2015	
Court Cases	
Number of Current Court Cases	182
Number of Current Court Cases Closed	3

OVER CROWDING-ILLEGAL DWELLINGS 2015

Identifying overcrowded/ illegal occupancies still remains as a top priority of code enforcement.

Unlawful Occupancy-Overcrowded Properties Breakdown 2015

Total located: **37**

Affecting **21** properties

- Unlawful Basement Occupancy: 11
- Unlawful Attic Occupancy: 10
- Single Room Occupancy (SRO's): 0
- Additional Dwelling Units: 16

Contributors

- 1 & 2 Family: (5) Represents: 24%
- Multiple Dwelling (3 or more): (14) Represents: 67%
- Mixed Use: (2) Represents: 10%

Multiple dwellings still remain the largest contributor to the illegal occupancies.

Amnesty Update

Amnesty applications continue to be submitted however, at a much slower, infrequent rate.

Below represents the total number of all applications submitted since inception and the number of consultations completed. Consultations are 54% complete.

Total Amnesty Applications Submitted:	733
Amnesty Reports Completed:	721
Percentage of Amnesty Reports Complete:	98%
Amnesty Consultations Completed:	394

Focus

During the month of February, the building department is in the process of addressing the backlog and returning a number of incomplete applications. Code enforcement has been instructed to perform a full file-review of all properties that

each officer has inspected and the owner has failed to comply with an NOV. In addition, code enforcement has been instructed to take another look at all files that contain a referral to the building department. Those owners that received a referral and have failed to schedule an appointment with the building department shall be issued a court appearance ticket.

During the middle of February through March, the Building and Code Enforcement Departments will focus on the remaining overcrowded and illegal occupancies throughout the Village. The departments will further evaluate properties by proactively canvassing certain locations and conduct a follow-up review of all standard searches that contain an illegal occupancy and have not scheduled a consultation in a timely manner. The Building Department continues to maintain and update a comprehensive list of all properties that have requested a municipal search. If the search indicated that there is a discrepancy in the number of dwelling units, it is duly noted and a notice to remedy is issued. The upcoming months shall include a review of those files and in the event there has been no communication with building or code, proper enforcement shall commence.

Snow Removal Street's executed on 2-5-15

- 1) Grace Church St Both sides Midland Ave / S. Main St
- 2) S. Main St both sides Slater St / Westchester Ave
- 3) N. Main St both sides Westchester Ave / Rectory St
- 4) Abendroth Ave both sides Westchester Ave / Mill St
- 5) Westchester Ave both sides Costco / N. Regent St
- 6) Adee St both sides entire length
- 7) Mill St both sides entire length
- 8) Willett Ave both sides Marvin Pl / Abendroth Ave
- 9) Willett Ave both sides Summerfield Pk / Putnam Ave
- 10) Putnam Ave So. Side Willett Ave / Madison Ave
- 11) King St East side Summerfield pk / Chestnut St
- 12) Poningo St West side King St/ Irving Ave
- 13) Bulkley Ave No. side Poningo St / Haseco Ave
- 14) Bush Ave So. Side Haseco Ave / Poningo St
- 15) Seymour Rd No. side Poningo St / Haseco Ave
- 16) Haseco Ave West Side Glen Ave / Westchester Ave

MEMORANDUM

To: Christopher D. Steers
Village Manager

From: Heather Krakowski
Recreation Supervisor

Subject: Monthly Report (January 2015 –February 2015)

Date: February 11, 2015

Please see a list of meetings I have attended and a list of programs that are running or upcoming. This list is usually included in my monthly reports to the Recreation Commission.

Meetings

01/07 Pre Agenda meeting
01/07 PCYBL Contract meeting
01/08 Park Commission-Special meeting
01/14 Super Soccer Stars
01/14 Recreation Commission
01/14 Agenda Review
01/21 Staff meeting
01/21 PCYBL
01/26 Emergency management
01/28 Agenda Review
01/29 L. Douglas – Budget
01/29 E. Bracanti - seasonal staff
02/02 T. Cerreto, Village Attorney – seasonal staff
02/03 E. Bracanti, Seasonal Staff
02/05 C. Aliaga, Soccer
02/11 Budget Review – C. Steers, Village Manager, L. Douglas, Treasurer

<u>Programs/Events</u>	<u>Registered/ Attended</u>
Karate October 2 nd – May 28 th 2015	20
5K Fun Run (Oct 11th)	40
3rd -5th Grade Basketball <u>Starts Nov 12th</u>	40
Adult Men's Basketball January-March	20
Drop in Basketball (Teen – 21 years old) November -March	30
After School Reading & Art <u>November -May</u>	100
Winter Soccer 1/17 -3/7	100
Mini Camp (Feb break)	15-20

UPCOMING Programs/Events

Registered/ Attended

**1st & 2nd Grade Floor Hockey
Starts March**

**Super Soccer Stars –Soccer
3, 4 and 5 year olds – March**

**Spring Youth Tennis
Starts April**

**Spring Soccer
Starts April**

**Easter in the Park
Tentative March 21st**

**Day Camp/Cub Camp Registration Opened
Jan 5th**

**Applications for Spring and Summer Employment available
Deadline March 31st for Camps**

From Jan 15th – February 11th

- **Winter /Spring Summer Activities Brochure with after school and weekend program information updated, as well as the web site, and information provided to the schools (sent out to all households in PC)**
- **Organized and Overseeing currently running programs listed above**
- **Overseeing the After School Staff & park permits applications**
- **Upcoming contracts**
- **Facilitate Coat Drive (Coats distributed to local organizations)**
- **Park repairs**
- **Organizing the upcoming programs (Examples -Winter Brochure and Easter in the park)**
- **Working on Spring Activities as well as upcoming Summer Camps**
- **Prepared Budget for 2015**
- **Working on Summer Concert Series and Port Chester Day with Entertainment Committee**

THE WALL STREET JOURNAL

DOW JONES
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FRIDAY, JANUARY 30, 2015 - VOL. CCLXV NO. 24

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THE WALL STREET JOURNAL

PROPERTY

BLOCK PARTY | By Karen Angel

More Development Immigrates to Port Chester

For decades marginalized as the downscale neighbor of Greenwich, Conn., and Rye, N.Y., Port Chester in Westchester County has begun to capitalize on its grittier image.

Several new luxury developments and the arrival of a number of swanky new restaurants and bars are helping Port Chester attract young professionals from New York City as well as area baby boomers looking to downsize. While the newcomers are chipping away at the former factory town's blue-collar profile, it remains a village of immigrants, with a population that is nearly 60% Hispanic, according to the 2010 Census.

"It kind of has that same feel as Brooklyn," said Joe Montesano, 33 years old, a digital advertising executive who moved to Port Chester from Bushwick three years ago with his wife, Anna, 29. "It's come a long way in such a short amount of time, and it's gentrifying so fast."

The couple, who are expecting their first child in March, paid \$585,000 for a four-bedroom house. Though Port Chester's home prices are rising,

'We're getting significant interest from New York City.'

they are still lower than those in neighboring towns, and condos and co-ops cost a fraction of those in New York City.

The median sales price of a single-family Port Chester home last year was \$433,000, compared with \$1.8 million in Rye and \$1.3 million in Harrison, according to broker Houlihan Lawrence. In Greenwich, the average home goes for \$2.1 million.

Co-ops can be found in Port Chester for less than \$200,000 and condos for under \$300,000, but some are going for much more. Wellington Greene, a recent development on Westchester Avenue, sold all 66 of its two-bedroom, two-



Mark Abramson for The Wall Street Journal (3)



bathroom luxury condos for between \$360,000 and \$400,000, says Andrew Rogovic, the project's sales manager. "I think people are starting to have a different perception of Port Chester."

On the rental front, 95 of the 100 units in the Mariner, opened in 2012, are occupied, despite rents as high as \$3,400 a month. Three projects cur-

rently in various stages of development are all rentals.

The new projects include 120 units on Willett Avenue; 50 units with a gym and a pool on North Pearl Street; and six units with a restaurant in the historic 1900 Mutual Trust building on North Main Street and an adjacent building.

A 730-unit mixed-use development proposed for a 15-acre

former hospital site is in the environmental review process. The project developer, Starwood Capital, also plans to include retail and restaurant space, a 135-room hotel and office space. And a project with 79 units and retail space is proposed for Westchester Avenue.

The village passed comprehensive zoning changes in 2013 to allow a mix of retail and residential uses under one roof and provide developers with bonuses of extra space for creating public benefits.

"With the zoning changes, we're getting significant interest from New York City developers," said Christopher Gomez, Port Chester's director of planning and development. "The renaissance is real."

Port Chester's population is about 29,000, up nearly 6% since 2000. The village covers 2.5 square miles, so everything is within walking distance, including the Metro-North train station. The commute to Grand Central Terminal is about 45 minutes, and it is 15 minutes to Stamford's large office market.

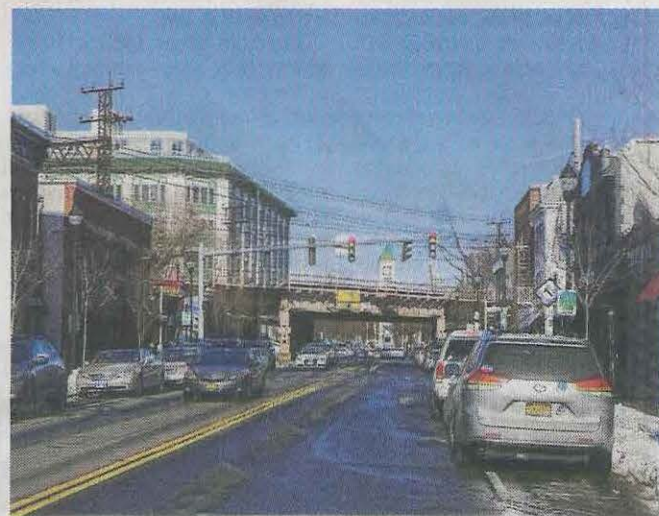
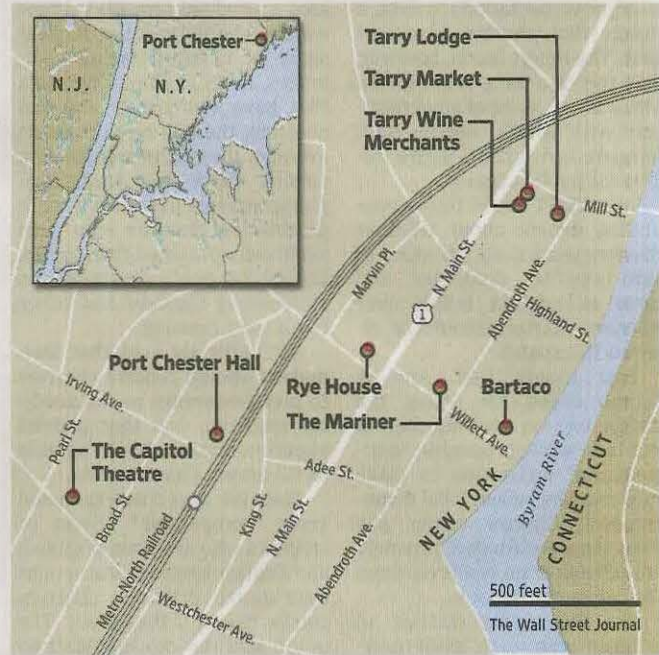
With Port Chester's urban character comes a higher crime rate than that of its affluent neighbors, but with more pedestrians in the area, residents say it is becoming safer. "You couldn't walk these streets 10 years ago," Mr. Montesano said. "It's become a great place to live."

The village has also prioritized redevelopment of its business district and waterfront. On the retail front, a



3D City/Ribberg & Associates Architects

Clockwise from left: Port Chester's Capitol Theatre, which reopened in 2012 after renovations; a rendering of the Mutual Trust building and an adjacent building that is to be turned into residences; Main Street in Port Chester; and high-end Italian food at Tarry Market.



Whole Foods Market opened in 2013, and the Waterfront at Port Chester mall sports big-box stores and a Loews theater.

At least six restaurants opened last year. Heartland Brewery founder Jon Bloostein's first foray outside Manhattan was Port Chester Hall & Beer Garden, which opened in May in the 1890s Metro-North train station that he renovated for that purpose. Rye House, a version of the Chelsea gastropub, opened on Dec. 26, and the American Bar & Restaurant is to start serving high-end cocktails in the spring.

The new establishments join a mix of Peruvian, Colombian, Salvadoran, Brazilian, Ecuadorian and Mexican eateries, some of which are expanding. Rosa Castillo, owner of Misti Restaurant and Pollo A La

Brasa, is doubling the size of her adjacent Peruvian eateries.

The eclectic dining scene also includes Mario Batali's trattoria Tarry Lodge, opened in 2008 and followed in 2010 with two adjacent businesses, Tarry Market and Tarry Wine Merchants. The upscale Bartaco opened in 2011, and Port Chester's first Irish bar, McShane's Bar & Restaurant, opened in May.

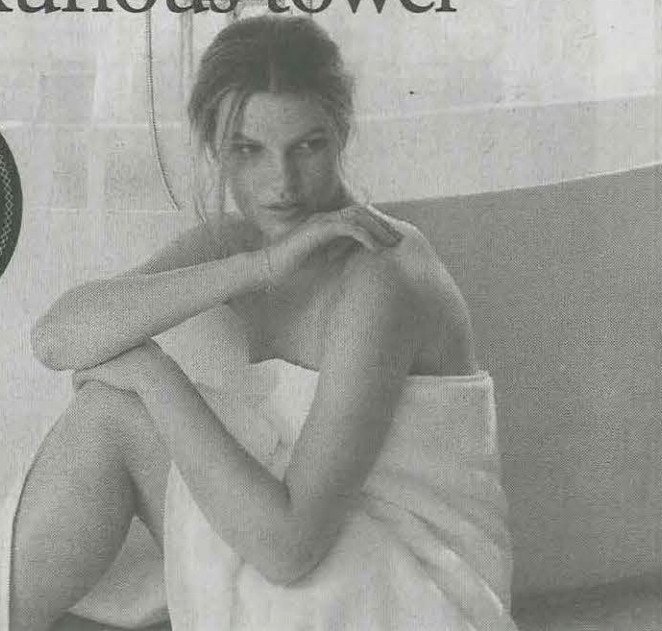
After nearly 20 years as an event space, the Capitol Theatre underwent a \$2 million renovation and reopened in 2012 with a Bob Dylan concert.

Longtime residents praise the changes. "I've seen Port Chester go from how it used to be when I was a kid to being nice," said Evelyn Winick, a retired special-education teacher and Port Chester native.

The world's most luxurious towel

FREE STANDARD SHIPPING ON THIS ITEM*

Ends Feb. 5



REPORT
OF
THE POLICE CHIEF

UPDATE FROM THE BUILDING INSPECTOR

DISCUSSION

TRAFFIC COMMISSION
Port Chester, New York

February 12, 2015

Mayor Neil Pagano and the Board of Trustees:

At our meeting held January 15, 2015, the Traffic Commission met with Police Chief Richard Conway, Fire Chief Ed Quinn, as well as Ms. Michelle Mendicino-Daly and other concerned citizens regarding recommendations for traffic safety on College Avenue.

After reviewing all data and reports, the Commission and Chiefs and attendees at the meeting are in complete agreement on using the "3E's" method to take care of the problem. This method consists of **engineering, education, and enforcement**. This will be elaborated on at the meeting.

The recommendation is for the Board to accept this method of traffic calming. If accepted, we could go forward with implementing the plan.

Sincerely,

Joseph Gianfrancesco, Jr.

Joseph Gianfrancesco, Jr.
Chairman

College Ave

Review of accidents according to Police Pro computer log show 28 calls to College Ave for reported accidents over a 10 year period dated 1/1/2005-12/31/2014. Of the 28 calls six have a no report designation meaning either the incident was unfounded or the initial callers chose not to make a report. This happens for several reasons such as there being no damage or minor damage and the people involved agree to work it out without a police report or insurance.

On January 6, 2015 PO Dusenbury who is radar certified conducted a survey during the morning peak drop off time from 0745-0845 at College Ave and Haines Blvd. He was in a marked Police vehicle that was fully visible. He counted approximately 325 vehicles pass that intersection during that time period. The speeds of the vehicles that proceeded on that road that were in violation of the school zone speed limit are as follows.

15-20 mph 30 vehicles

20-25 mph 115 vehicles

25-30 mph 123 vehicles

30 -36 mph 23 vehicles

36 – 50 mph. 0 vehicles

On January 6, 2015 PO Dusenbury conducted a survey during from 1430-1530 at College Ave and Haines Blvd. He counted approximately 213 vehicles pass that intersection during that time period. The speeds of the vehicles that proceeded on that road that were in violation of the school zone speed limit are as follows.

15-20 mph 22 vehicles

20-25 mph 52 vehicles

25-30 mph 70 vehicles

30 -36 mph 13 vehicles

36 – 50 mph. 0 vehicles

BEFORE TRAFFIC CALMING: MAJOR CONSIDERATIONS

The “starter set” of traffic-calming tools outlined above can be effective in a variety of ways. However, each tool has its own specific applications, and not every one fits every single circumstance. Some tools are more effective if used in combination with each other, or with alternative transportation approaches like bicycles, buses or light rail. The right use hinges on existing conditions along a street and the desired outcomes. The following is a sampler of issues that need to be considered when making traffic calming choices.

- Do emergency and service vehicles use the area? Do school buses?
- Is there a problem with through traffic?
- What are the surrounding uses? Residential? Commercial? Retail? Cultural? Entertainment? Civic? Educational? Other?
- Who are the users? Are there many elderly or disabled people or children?
- What kinds of activities are going on in the vicinity or are planned to go on?
- Are there plans for improving the area? If so, how?
- What kinds of streets are being looked at? What is the ideal speed desired?
- Is transit service available? If so, where and what kind?
- Where is drainage needed?



Traffic Calming Fact Sheet

The term “traffic calming” is simply a device to put a favorable spin on tactics used to obstruct, divert and slow traffic.

Although proponents usually couch their complaints in terms like “speeders” and “reckless drivers,” the true irritant for “traffic calming” advocates is “heavy” traffic. Their desired objective is to divert traffic to other streets outside their neighborhood. The devices employed to accomplish this diversion of traffic include stop signs, speed humps and bumps, lane narrowing obstructions, and absurdly low speed limits.

Increased traffic on residential streets is often caused by misguided and ill-informed management of the main arterials and collector streets. These streets are designed to carry most of the traffic, keeping it off of residential streets.

The solution to this problem is not to further obstruct traffic flow by pushing the problem into someone else’s neighborhood. The real solution is to upgrade and improve the traffic handling capabilities of main thoroughfares.

This means implementing physical improvements, as well as raising speed limits and synchronizing traffic controls to accommodate actual vehicle speeds. If main streets provide convenient access between home, work and shopping destinations, motorists will use them, versus alternate routes through residential neighborhoods.

There are several specific reasons why traffic calming should be avoided:

1) Traffic obstruction devices can increase response time for emergency vehicles.

When seconds matter, having to slow to pass over speed bumps and humps or navigate narrow roadways can mean the difference between life and death, or the loss of one’s home. The fact that some of these devices can seriously damage emergency vehicles and other vehicles along the roadway is also a concern.

2) Traffic obstruction devices can increase congestion on other streets and create problems in other neighborhoods.

If traffic obstruction devices divert traffic to other streets, they may compound congestion problems that already exist in those areas. If not successful in diverting traffic to other streets, traffic obstruction devices will compound congestion problems on the streets on which they are installed.

3. Traffic obstruction devices will increase vehicle wear and tear, air pollution, and noise.

Braking and accelerating in response to speed bumps, speed humps, stop signs, and traffic signals increases fuel consumption and emissions. This can contradict other efforts to reduce emissions and contribute to a community becoming or remaining a “non-attainment” air quality zone, thereby being subjected to federal mandates and restrictions.

4. Traffic obstruction devices can increase street maintenance costs.

Speed bumps and humps impede plowing and street cleaning equipment. Removable devices may soon be available, although they will require additional labor to install and remove them. Municipalities must maintain and repair stop signs and traffic signals, at taxpayer expense, of course.

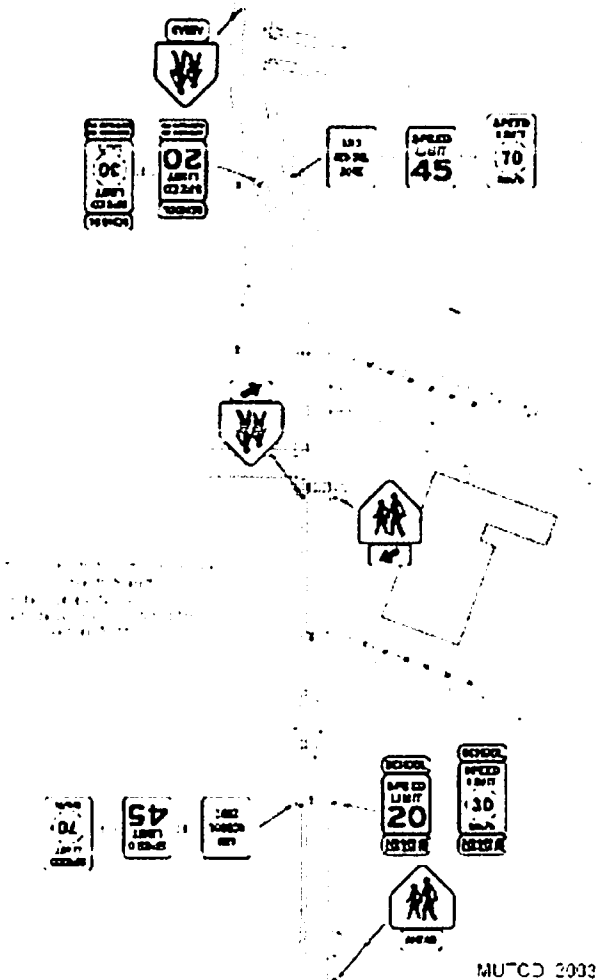
5. Traffic obstruction devices increase a community’s liability for accidents attributed to such devices.

6. Traffic obstruction devices may cause physical discomfort, even pain, for disabled persons or persons with physical ailments.

Being jolted or jostled by speed bumps and humps can be painful for persons with injuries or painful illnesses.

7. Traffic obstruction devices create neighborhood friction.

Not all persons (not even most persons) on a given street will appreciate having to run an obstacle course every time they drive to or from home. Some traffic obstruction opponents blow their horns or yell verbal insults when having to slow or stop for speed bumps or humps. Frequently, the response to unnecessary stop signs is to ignore them.



Treatment: Signing and Marking the School Zone

Description/Purpose

Signs and pavement markings provide important information to drivers to improve road safety. Examples include retroreflective yellow/green school advance warning signs and SPEED LIMIT 25 MPH WHEN FLASHING signs.

Marked crosswalks help guide children to the best routes to school.

Expected Effectiveness

The limited empirical evidence suggests that signs and pavement markings help educate drivers and improve driving behaviors in school zones.

Costs

The cost for signs generally ranges from \$100 to \$300 per sign plus installation costs (Bushell, Poole, Zegeer, Rodriguez, 2013). Pavement marking costs vary by type of paint chosen and marking design.

Keys to Success

- Schools should develop "safe routes to school" traffic control plans which include sign and marking recommendations.
- Traffic signs and pavement markings used on public streets and property must comply with the Manual on Uniform Traffic Control

Key Factors to Consider

- Signs should be used judiciously, as overuse may breed driver noncompliance and excessive signs may create visual clutter.

Evaluation Measures

- Pedestrian and bicyclist conflicts in School Zone.

PROPOSED
SIGNS

VILLAGE
SPEED
LIMIT
30

SPEED
LIMIT
15

SCHOOL DAYS
7AM-6PM



Newton Ave + Fairview AVE
Eastbound



SIGNS
Now

HIGH
SCHOOL

HILL CREST

SS →

FAIRVIEW
AVE

SS → HDW
02

HDW
01

BRIDGE
AVE

PERRY
AVE

SS → HDW
01

WESLEY
AVE

PARK
AVE

SS →

SCHOOL
15
MPH

NEVION
AVE

SS →

PARK AVE

COLLEGE AVE

SS →

PARK AVE
SCHOOL

WIND
DR

SCHOOL
15
MPH

SS →
SYLVIA
RD

SS →
HAIN
RD

SS →

SS →
SYLVIA
LN

Village of Port Chester, NY
 Thursday, January 15, 2015

Chapter 319. VEHICLES AND TRAFFIC

Article XIV. Schedules

§ 319-73. Schedule XII: School Speed Limits.

In accordance with the provisions of § 319-15B, maximum speed limits are established as indicated upon those streets or parts thereof adjacent to school buildings described below:

Name of Street	Speed Limit (miles per hour)	Hours	Location
College Avenue [Added 8-2-2004]	15	7:00 a.m. to 10:00 p.m.	Entire length
Grace Church Street [Added 11-17-2003]	20	8:00 a.m. to 4:00 p.m.	From Fox Island Road to Don Bosco Place
King Street [Added 11-3-1983; amended 4-1-1992; 3-19-2012]	20	7:00 a.m. to 6:00 p.m.	300 feet in each direction from the building line of the King Street School abutting on King Street
Locust Avenue [Added 3-19-2012]	15	7:00 a.m. to 6:00 p.m.	300 feet in each direction from the building line of Edison School abutting on Locust Avenue
Neuton Avenue [Added 8-2-2004]	15	7:00 a.m. to 10:00 p.m.	Entire length
Olivia Street [Added 8-28-1991 by L.L. No. 19-1991]	15	8:00 a.m. to 4:00 p.m.	300 feet in each direction from the building line of the Kennedy School abutting on Olivia Street
Orchard Street [Added 3-19-2012]	15	7:00 a.m. to 6:00 p.m.	300 feet in each direction from the building line of Edison

TRAFFIC MATTERS: Education, engineering, enforcement are key to traffic safety

by Chris Nicholas

POSTED: 07/18/2013 10:36:05 AM PDT | UPDATED: ABOUT A YEAR AGO

0 COMM

Hi there. It was about 17 years ago that I was reporting to the police academy for my first day. I was in suit and had two broken ribs. I didn't tell my bosses or the instructors for fear of losing an opportunity to become a police officer. Today I have one of the best careers available. It was at the academy where I was first introduced to the "Three Es" of traffic safety: education, engineering and enforcement.

One of the goals of the Milpitas Traffic Safety Unit is to provide education to its citizens so that they can operate safely on the roadway and sidewalks. This article is an example of this education. Some of the ways we try to educate the public is through the use of lighted signboards. These devices let us give little information on how to be safer when driving, or just remind drivers to pay better attention when operating on the roadway.

The Traffic Safety Unit also works with the schools providing bicycle and skateboard helmets to those who cannot afford them. Students are shown how to adjust and properly wear their helmets. If a juvenile is stopped without a helmet when on the streets, those children are given the chance to attend an education class rather than pay a fine. Handing out fliers at drunken-driving checkpoints, providing information at public events and answering questions via e-mail are just some of the ways we work to educate the public.

Without engineering, our streets would be chaos.

Advertisement



The correct layout of streets, the proper placement of signs and lighting, the timing of the signal lights at intersections, these are all areas where traffic engineering is used. The engineers try to utilize tools available to make the streets just a bit safer to operate. Speed humps in neighborhoods and the flashing crosswalk signs are two excellent examples of engineers using their tools to control the flow of traffic.

As I am sure you could guess, my favorite "E" is enforcement. Not all police officers like to write tickets and even more would not want to work in traffic, however, I enjoy it greatly. The goal of enforcement is not to punish a driver for a violation of the law, but

rather to educate them on a mistake made while driving and to remind them to focus when they are behind the wheel. If it were just a punishment then there would be no traffic school option for moving violations. The goal is to make you a better driver. Simple things like driving the speed limit, not using a phone while

or changing lanes, and maintaining a safe following distance will help you avoid 80 percent of the citations that are issued by the police.

Oddly enough, it will help you avoid a lot of collisions as well. If not, well, I do like the enforcement part of my job.

The "Three Es" give us a general guideline for traffic safety. From that we generate specific plans to utilize those guidelines to make the streets safer to walk, ride and drive on. Please remember that you are not being punished if you are stopped by police for a traffic violation. We just want you to be safe. If that means a ticket to get the point across, well, so be it. Please drive safely!

* * *

Speed reduction has traditionally been attempted by the introduction of statutory speed limits. Traffic speeds of 30 km/h (20 mph) and lower are said to be more desirable on urban roads with mixed traffic.^[10] The Austrian city of Graz, which has achieved steady growth in cycling, has applied 30 km/h limits to 75% its streets since 1994.^[11] Zones where speeds are set at 30 km/h (or 20 mph) are gaining popularity^[12] as they are found to be effective at reducing crashes and increasing community cohesion.^[13] Speed limits which are set below the speed that most motorists perceive to be reasonable for the given road require additional measures to improve compliance. Attempts to improve speed limit observance are usually by either education, enforcement or road engineering. "Education" can mean publicity campaigns or targeted road user training.

Speed limit enforcement techniques include: direct police action, automated systems such as speed cameras or vehicle activated signs or traffic lights triggered by traffic exceeding a preset speed threshold. One cycling expert argues for placing direct restrictions on motor-vehicle speed and acceleration performance.^[14] An EU report on promoting walking and cycling specifies as one of its top measures comprehensive camera-based speed control using mainly movable equipment at unexpected spots.^[15] The Netherlands has an estimated 1,500 speed/red-light camera installations and has set a target for 30 km/h limits on 70% of urban roads. The UK has more than 6,000 speed-cameras, which raised more

Traffic calming

From Wikipedia, the free encyclopedia



The **neutrality of this article is disputed**. Relevant discussion may be found on the [talk page](#). Please do not remove this message until the dispute is resolved. *(August 2014)*

Traffic calming consists of physical design and other measures, including narrowed roads and speed humps, put in place on roads for the intention of slowing down or reducing motor-vehicle traffic as well as to improve safety

for pedestrians and cyclists. Urban planners and traffic engineers have many strategies for traffic calming.

Such measures are common

in [Australia](#) and [Europe](#) (especially Northern Europe), but less so in [North America](#). Traffic calming is a literal translation of the German word *Verkehrsberuhigung* - the term's first published use in English was in 1985 by [Carmen Hass-Klau](#).^[1]



Signing indicating that a motorist is approaching traffic calming devices.

Contents [hide]

- 1 History
- 2 Measures
 - 2.1 Engineering measures
 - 2.2 Enforcement and education measures
 - 2.2.1 Speed limits
- 3 Examples around the world
 - 3.1 Europe
 - 3.2 North America
- 4 Studies
- 5 Gallery
- 6 See also
- 7 References
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History [edit]

In its early development in the UK in the 1930s, traffic calming was based on the idea of residential areas protected from through traffic. Subsequently, it was mainly justified on the grounds of pedestrian safety and reduction of the [noise](#) and local [air pollution](#) that traffic produces. However, car traffic severely impairs the social and recreational functions that streets are now recognized to have. The *Livable Streets* study by [Donald Appleyard](#) (1981)^[2] found that residents of streets with light traffic had, on average, three more friends and twice as many acquaintances as the people on streets with heavy traffic which were otherwise similar in dimensions, income, etc.

For much of the twentieth century, streets were designed by engineers who were charged only with ensuring smooth traffic flow and not with fostering the other functions of streets. The basis for traffic calming is broadening traffic engineering to include designing for these functions.

Measures [edit]

Traffic engineers refer to three "E's" when discussing traffic calming: [engineering](#), (community) [education](#), and (police) [enforcement](#). Because neighborhood traffic management studies have shown that residents often contribute to the perceived speeding problem within their neighborhoods, instructions on traffic calming (for example in [Hass-Klau et al., 1992](#)^[3]) stress that the most effective traffic calming plans entail all three components—that engineering measures alone will not produce satisfactory results.

Engineering measures [edit]

Engineering measures involve physically altering the road layout or appearance to actively or passively retard traffic by increasing the [cognitive load](#) of driving. Measures include [speed humps](#), [chicanes](#), [curb extensions](#), and [living street](#) and [shared space](#) type schemes. The town of [Hilden](#) in Germany has achieved a rate of 24% of trips being on two wheels, mainly via traffic calming and the use of 30 km/h or 20 mph zones.^[4] In 1999, the Netherlands had over 6000 [woonerven](#) where cyclists and pedestrians have legal priority over cars and where a motorised speed limit of "walking speed" applies.^[5] However, some UK and Irish "traffic calming" schemes, particularly involving road narrowings, are viewed as extremely hostile and have been implicated directly in death and injury to cyclists and pedestrians.^{[6][7]}

A number of **visual changes** to roads are being made to many streets to

cause more attentive driving, reduced speeds, reduced crashes, and a greater tendency to yield to pedestrians. Visual traffic calming includes *lane narrowings* (9-10'), *road diets* (reduction in lanes), use of trees next to streets, on-street parking, and buildings placed in urban fashion close to streets.

Physical devices include speed humps, speed cushions, and speed tables, sized for the desired speed. Such measures normally slow cars to between 10 and 25 miles per hour (16 and 40 km/h). Most devices are made of asphalt or concrete but rubber traffic calming products are emerging as an effective alternative with several advantages.

Traffic calming can include the following engineering measures, grouped by similarity of method:^[8]

- **Narrowing:** Narrowing traffic lanes differs from other road treatments by making slower speeds seem more natural to drivers and less of an artificial imposition as opposed to most other treatments, which physically force lower speeds or restrict route choice. Such means include:
 - Narrower traffic lanes — streets can be narrowed by extending the sidewalk, adding bollards or planters, or adding a bike lane or on-street parking.
 - **Curb extensions** (also called bulbouts) that narrow the width of the roadway at **pedestrian crossings**
 - **Chokers**, which are curb extensions that narrow the roadway to a single lane at points^[9]
 - **Road diets:** actively remove a lane from the street.
 - Allowing parking on one or both sides of a street to reduce the number of driving lanes.
 - **Pedestrian refuges** or small islands in the middle of the street.
 - Converting **one-way streets** into two-way streets.
- **Vertical deflection:** These include:
 - **Speed bumps**, sometimes split or offset in the middle to help emergency vehicles reduce delay
 - **Speed humps**, parabolic devices that are less aggressive than speed bumps and used on residential streets.



Construction of **polymer cement overlay** to change asphalt to brick texture and color to indicate high traffic crosswalk

- **Speed cushions**, two or three small speed humps sitting in a line across the road that slow cars down but allows (wider) emergency vehicles to straddle them so as not to slow emergency response time.
- **Speed tables**, long flat-topped speed humps that slow cars more gradually than humps
- **Raised pedestrian crossings**, which act as speed tables, often situated at **intersections**.
- Changing the surface material or texture (for example, the selective use of **brick** or **cobblestone**). Changing in texture may also include changing in color to highlight to drivers that they are in a pedestrian centric zone.
- **Horizontal deflection**, i.e. make the vehicle swerve slightly. These include:
 - **Chicanes**, which create a horizontal deflection that causes vehicles to slow as they would for a curve.
 - **Pedestrian refuges** again can provide horizontal deflection, as can **curb extensions** and **chokers**.
- **Block or restrict access**. Such traffic calming means include:
 - **Median diverters** to prevent left turns or through movements into a residential area.
 - Converting an intersection into a **cul-de-sac** or dead end.
 - **Boom barrier**, restricting through traffic to authorised vehicles only.
 - Closing of streets to create **pedestrian zones**.
- **Other means**

Quite often residents have used a variety of homemade devices ranging from faux enforcement camera signs and even faux speed cameras and including dummy police. Some Canadian communities erect flexible **bollards** in the middle of the street in **school zones**. The bollards have a sign affixed indicating a 40 km/hr speed limit.

Enforcement and education measures [\[edit\]](#)

Enforcement and education measures for traffic calming include:

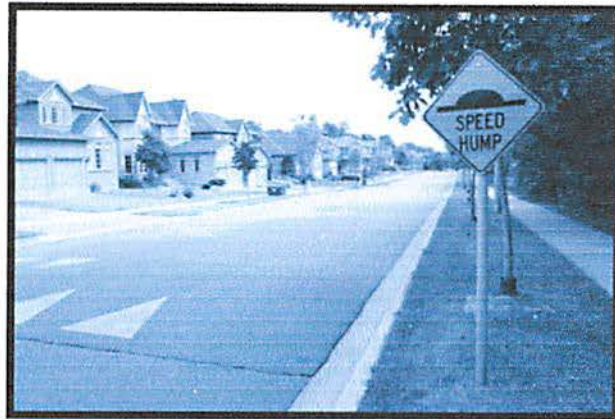
- Reducing speed limits near institutions such as **schools** and hospitals (see below)
- **Vehicle activated sign**, signs which react with a message if they detect a vehicle exceeding a pre-determined speed.
- **Watchman**, traffic calming system

Speed limits [\[edit\]](#)

Main article: [Speed limit](#)

TRAFFIC-CALMING TRENDS: Speed Humps

Antiquated, Knee-Jerk Response to Speeding Drivers Now Being Rejected Around the World



Every day, municipalities, HOAs and school districts across the nation face problems with speeding drivers. For decades, speed humps were the only traffic-calming solution available. Today, the antiquated speed hump—a traditionally popular response to speeding drivers—has become a controversial lightning rod in conversations involving traffic-calming solutions coast-to-coast and around the world.

Contemporary wisdom now recognizes the shortcomings of and frustrations associated with speed humps. Media report that speed humps:

- **Are expensive to install and expensive to maintain**—Speed humps can cost \$4,500 to \$7,500. [Source: *The Washington Post* Sept. 9, 2008]
- **Interfere with response times of emergency vehicles**—Each speed hump costs fire trucks ten seconds in response time. [Source: *ABC Orlando/WFTV* Jan. 28, 2010 and Fire Capt. Jeffrey Martin, *St. Petersburg Times* Feb. 2, 2008 and the *Tampa Tribune*, Sept. 20, 2008]
- **Reduce property values**—Prospective homebuyers reject home sites near speed humps. [Source: *Tampa Bay Online*, Sept. 30, 2009]
- **Increase noise levels**—Speed humps usher in a constant barrage of scraping cars and engines revving over the humps. [Source: *Tampa Bay Online*, Aug. 12, 2009]
- **Increase wear and tear on residential and commercial vehicles**—Speed humps are a source of excessive wear on tires, brakes, suspension systems, shock absorbers and rattle dashboards. [Source: *The Natchez Democrat*, Oct. 28, 2009]
- **Expensive to remove**—Municipalities, under pressure by citizens and enforced by the courts, have been forced to remove speed humps at great expense to tax payers. [Source: *Tampa Bay Online*, Sept. 30, 2009]
- **Increase air pollution**—On roads with speed humps, carbon monoxide emissions increase by 82 percent, carbon dioxide emissions double and nitrogen oxide increases by 37 percent. [Source: *BBC.com*, April 22, 2009]
- **Reduce fuel efficiency and increase gas consumption**—By forcing drivers to brake and accelerate repeatedly, speed humps will cause a car that normally that gets 58.15 mpg travelling at a steady 30mph to deliver only 30.85 mpg. [Source: *BBC.com*, April 22, 2009]

Additionally, some have observed that speed humps do not change driver behavior and encourage other dangerous driving behaviors, such as going “off road” to avoid the humps.

Situation Analysis:

In 2008, in Hillsborough County, Florida some of the Carrollwood community faced significant traffic-calming dilemmas. Dangerous driver speeds had caused the roads to become unsafe for pedestrians, cyclists and other drivers. In response, the county invested \$2 million in hundreds of speed humps, cushions and other devices. Within a short period of time, complaints about the speed humps began to pour in from residents, tourists and emergency responders who demanded a better solution.

As documented in the final “Neighborhood Traffic Calming Arbitration” report, Carrollwood Village residents expressed specific concerns and requests related to the speed humps:

“Traffic calming could have been better controlled in a more cost-effective manner through the use of speed limit flashing signs that note the speed in which the car is approaching. The speed bumps are excessive; promote unnecessary cost for continued maintenance and, over time, cause wear and tear on car alignment and shocks.” T.B.

“... (the speed hump) creates an unacceptable delay in emergency response...” K.K.

“Damage to automobiles from speed humps and increased noise from speed humps.” M.F.

“Safety, fire hazards—Noise pollution. Horrendous disfigurement of the neighborhood. Get rid of all of them. Use electronic feedback signs.” N.K.

“My brother’s death could have been the result of four speed bumps.” W.C.

“Speed bumps are irritating and upsetting and painful. It’s the same as going over chuck holes. Speed bumps make traffic speed unpredictable as some vehicles don’t slow down.”
D.C.

“Numerous speed humps and tables slow down response time to emergency vehicles and subject automobiles to] obstacles which contribute the excessive wear and tear to my vehicles.” L.B.

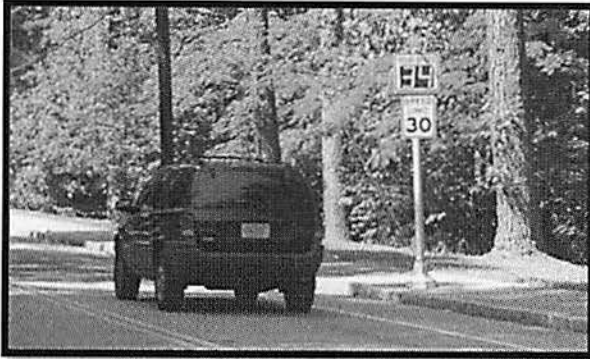
The controversy was settled legally in 2009 when arbitrators ruled that about one-third of the newly installed speed humps should be removed. The result: Hillsborough county has spent at least \$200,000 to remove the speed humps in Carrollwood Village alone.

Resolution:

Time and technology have eclipsed the traditional fix. Residents and community leaders—armed with online access to information and vendors—expect and demand improved solutions that will accommodate a broad range of needs.

In addition to speed hump removal, the arbitration report also recommended the installation of additional driver feedback signs—a solution that had been part of the original plan but delayed due to the controversy. With some 40 driver feedback signs to be installed within a beautiful residential

setting, cost and aesthetic appeal became primary considerations. Local community leaders Libbie Jae and Jennifer Fritch spearheaded the search for a cost-effective and attractive solution.



“Driver feedback signs are subtle but very effective reminders to drivers without all the noise and disruption of speed humps, which have been quite divisive,” says Libbie Jae. “Radarsign offers a great solution that answered all of our needs: Not only are the signs silent and attractive, they are also very affordable and the solar power option makes them a ‘green’ solution. I just see Radarsign as a win-win all the way around.”

Related Stories:

- April 2010, Columbia News Service: Millburn Township in New Jersey is forced to remove five of eight speed humps. Taxpayers estimated to foot the loss of \$8,000 in installation costs plus removal fees.
- Tillamook County in Oregon openly advocates against speed humps.
<http://www.co.tillamook.or.us/gov/pw/Documents/speed-bump-flyer.pdf>



radarsign™

Traffic-Calming Trends is brought to you by the traffic-calming experts at Radarsign. For information on how radar driver feedback signs can support community and government traffic-calming initiatives, visit www.Radarsign.com or call **678-965-4814**.

About Radarsign: In 2004, Atlanta-based Radarsign™ established new industry standards for traffic-calming solutions with the debut of the world's only **armored driver feedback signs, which are vandal, weather and bullet-resistant**. The industry's most durable radar signs are also the most ecological. Radarsign's MUTCD-compliant products—the industry's most energy-efficient—are made in the USA and utilize recycled aluminum, innovative LED refractor technology, minimal battery power and solar panels to deliver bright, easy-to-read feedback to drivers. Radarsign has been entrusted to provide safe and effective traffic-calming solutions for: municipalities, treasured national parks, children and families at schools and in neighborhoods, military bases that protect homeland security, and private and public development projects across the U.S., Canada and overseas.
www.Radarsign.com.

Traffic Enforcement Plan for the Schools:

The traffic enforcement plan for the Village of Port Chester schools includes detailing a certified radar Police Officer at random hours throughout the school day to enforce traffic violations with a particular focus on speeding violations. We are in the process of outfitting an unmarked Police car with ghostlettering.

For tracking purposes a new field has been created in Police Pro which is our records tracking database. This will allow for us to see how often Police Officers are at the school zones and what violations are being committed.

Rye Brook Police is utilizing their overlap in the mornings and afternoons to detail Officers to the area around the High School for traffic enforcement and to show a presence.

Sgt Barbara

**Village of Port Chester
 Tax Cert Payment History & Analysis**

	G/L Code	FY 2014-15	FY 2013-14	FY 2012-13	FY 2011-12	FY 2010-11	FY 2009-10	Total
Refund on Real Prop Tax	1.1960.480	\$ 120,087.10	\$ -	\$ 201,276.06	\$ 81,282.12	\$ 12,905.87	\$ 72,304.00	\$ 487,855.15
Current Year Real Prop Tax	1.1.1001	\$ 13,749.99	\$ -	\$ 65,100.22	\$ 4,101.73	\$ 2,787.45	\$ 5,740.00	\$ 91,479.39
Total		<u>\$ 133,837.09</u>	<u>\$ -</u>	<u>\$ 266,376.28</u>	<u>\$ 85,383.85</u>	<u>\$ 15,693.32</u>	<u>\$ 78,044.00</u>	<u>\$ 579,334.54</u>
Pending		<u>\$ 52,709.23</u>						
Total		<u>\$ 186,546.32</u>						

**VILLAGE OF PORT CHESTER
TAX CERTIORARI REFUND CALCULATION
12/14/14**

LONGVIEW OWNERS INC. VS. TOWN OF RYE
SECTION 136.71, BLOCK 1, LOT 8; 317 KING STREET
CHECK PAYABLE TO GRIFFIN, COOGAN, SULZER & HORGAN, PC, AS ATTORNEYS FOR PETITIONER

TOWN ROLL ASSESSMENT YEAR	VILLAGE TAX/FISCAL YEAR	ORIGINAL ASSESS.	REDUCED ASSESS.	AMOUNT REDUCED	TAX RATE	TAX REFUND
2007	2008-09	\$ 748,100	\$ 672,350	\$ 75,750	\$ 8.939728	\$ 677.18
2008	2009-10	\$ 700,000	\$ 646,400	\$ 53,600	\$ 8.783550	\$ 470.80
2009	2010-11	\$ 700,000	\$ 661,000	\$ 39,000	\$ 9.149649	\$ 356.84

TOTAL TAX REFUND DUE: \$1,504.82

001-0001-1001 \$0.00

001-1960-0480 \$1,504.82

**VILLAGE OF PORT CHESTER
TAX CERTIORARI REFUND CALCULATION
1/5/15**

**GRACE CHURCH GARDENS OWNERS CORP VS. TOWN OF RYE
SECTION 142.54, BLOCK 1, LOT 37, 140 GRACE CHURCH STREET
CHECK PAYABLE TO GRIFFIN, COOGAN, SULZER & HORGAN, PC, AS ATTORNEYS FOR PETITIONER**

TOWN ROLL ASSESSMENT YEAR	VILLAGE TAX/FISCAL YEAR	ORIGINAL ASSESS.	REDUCED ASSESS.	AMOUNT REDUCED	TAX RATE	TAX REFUND
2005	2006-07	\$4,200,000	\$4,000,000	\$ 200,000	\$ 9.607717	\$ 1,921.54
2006	2007-08	\$4,000,000	\$3,900,000	\$ 100,000	\$ 9.328688	\$ 932.87
2007	2008-09	\$4,000,000	\$3,900,000	\$ 100,000	\$ 8.939728	\$ 893.97
2008	2009-10	\$4,000,000	\$3,900,000	\$ 100,000	\$ 8.783550	\$ 878.36
2009	2010-11	\$4,000,000	\$3,900,000	\$ 100,000	\$ 9.149649	\$ 914.96

TOTAL TAX REFUND DUE: \$5,541.70

001-0001-1001 \$0.00

001-1960-0480 \$5,541.70

**VILLAGE OF PORT CHESTER
TAX CERTIORARI REFUND CALCULATION
12/14/14**

**LONGVIEW OWNERS INC. VS. TOWN OF RYE
SECTION 136.70, BLOCK 2, LOT 40, 315-325 KING STREET
CHECK PAYABLE TO GRIFFIN, COOGAN, SULZER & HORGAN, PC, AS ATTORNEYS FOR PETITIONER**

TOWN ROLL ASSESSMENT YEAR	VILLAGE TAX/FISCAL YEAR	ORIGINAL ASSESS.	REDUCED ASSESS.	AMOUNT REDUCED	TAX RATE	TAX REFUND
2007	2008-09	\$17,600,000	\$15,827,650	\$1,772,350	\$ 8.939728	\$15,844.33
2008	2009-10	\$17,600,000	\$16,253,600	\$1,346,400	\$ 8.783550	\$11,826.17
2009	2010-11	\$17,600,000	\$16,639,000	\$ 961,000	\$ 9.149649	\$ 8,792.81

TOTAL TAX REFUND DUE: \$36,463.31

001-0001-1001 \$0.00

001-1960-0480 \$36,463.31

**VILLAGE OF PORT CHESTER
TAX CERTIORARI REFUND CALCULATION
1/5/15**

**PAUL TRIPODI VS. TOWN OF RYE
SECTION 141.28, BLOCK 2, LOT 4, 64 MERRITT STREET
CHECK PAYABLE TO GRIFFIN, COOGAN, SULZER & HORGAN, PC, AS ATTORNEYS FOR PETITIONER**

TOWN ROLL ASSESSMENT YEAR	VILLAGE TAX/FISCAL YEAR	ORIGINAL ASSESS.	REDUCED ASSESS.	AMOUNT REDUCED	TAX RATE	TAX REFUND
2006	2007-08	\$ 639,400	\$ 472,360	\$ 167,040	\$ 9.328688	\$ 1,558.26
2007	2008-09	\$ 680,000	\$ 466,620	\$ 213,380	\$ 8.939728	\$ 1,907.56
2008	2009-10	\$ 650,000	\$ 442,600	\$ 207,400	\$ 8.783550	\$ 1,821.71
2009	2010-11	\$ 650,000	\$ 442,600	\$ 207,400	\$ 9.149649	\$ 1,897.64

TOTAL TAX REFUND DUE: \$7,185.17

001-0001-1001	\$0.00
001-1960-0480	\$7,185.17

**VILLAGE OF PORT CHESTER
TAX CERTIORARI REFUND CALCULATION
1/5/15**

**PAUL TRIPODI VS. TOWN OF RYE
SECTION 141.28, BLOCK 2, LOT 3, MERRITT STREET
CHECK PAYABLE TO GRIFFIN, COOGAN, SULZER & HORGAN, PC, AS ATTORNEYS FOR PETITIONER**

TOWN ROLL ASSESSMENT YEAR	VILLAGE TAX/FISCAL YEAR	ORIGINAL ASSESS.	REDUCED ASSESS.	AMOUNT REDUCED	TAX RATE	TAX REFUND
2006	2007-08	\$ 166,000	\$ 122,640	\$ 43,360	\$ 9.328688	\$ 404.49
2007	2008-09	\$ 190,000	\$ 130,380	\$ 59,620	\$ 8.939728	\$ 532.99
2008	2009-10	\$ 190,000	\$ 129,400	\$ 60,600	\$ 8.783550	\$ 532.28
2009	2010-11	\$ 190,000	\$ 129,400	\$ 60,600	\$ 9.149649	\$ 554.47

TOTAL TAX REFUND DUE: \$2,024.23

001-0001-1001 \$0.00

001-1960-0480 \$2,024.23

The Property Tax Freeze

What You Need to Know

NYCOM Wednesday Webinar Series
February 4, 2015
Barbara Van Epps
NYCOM Deputy Director

Property Tax Freeze

Outline

- Overview of the Tax Freeze
- Taxpayer Eligibility
- Local Government Compliance/Certifications - For Year 1
- Local Government Compliance – For Year 2
- Government Efficiency Plans (GEP)
- Local Government Certifications – For Year 2
- Calculating the Credit
- Additional Resources

Property Tax Freeze

Overview

- Adopted as Part of the 2014-15 State Budget
- Optional program that is intended to encourage the sharing of services among local governments and the implementation of efficiencies
- Will essentially “freeze” property taxes for two years
- Qualified homeowners will receive a freeze credit that will be distributed in the form of a check
- Expected to generate over \$1.5 billion in property tax relief over three years

Property Tax Freeze

Overview

The Credit will be equal to the greater of:

a) the amount by which the individual's property tax bill increased from year to year

or

b) the amount of the individual's prior year tax bill multiplied by the allowable levy growth factor (currently 1.62%)

This eliminates the incentive for a municipality to increase their tax levy to the amount allowable under the cap whether they need to or not

Property Tax Freeze

Overview

- For local governments (except for those with fiscally dependent school districts), the first year of the Tax Freeze is your fiscal year beginning in 2015
- Since all residents live in multiple taxing jurisdictions, the amount of the credit will be based only on those jurisdictions that meet the eligibility requirements
- Each eligible homeowner will receive one check that contains the aggregate amount of the freeze credit for that individual, which will be determined by the Department of Taxation and Finance

Property Tax Freeze

Overview

- For example, a homeowner in a village pays taxes to a village, town, county and school district
- If the county and village comply with the tax freeze requirements, but the school district and town do not, the resident will receive a freeze credit for the county and village taxes only
- The NYS Department of Taxation and Finance is responsible for determining the amount of the freeze credit for every eligible homeowner and will issue one check to each homeowner reflecting such amount

Taxpayer Eligibility

- Homeowner must be eligible for the STAR Property Tax Credit
- Limited to homeowners with an adjusted gross income of \$500,000 or less
- Property must serve as the primary residence
- Commercial properties are not eligible for a tax freeze credit

Local Government Compliance For Year 1

Year 1 - 2015

In the fiscal year beginning in 2015, a local government must:

- Have an adopted budget that complies with the Tax Cap
- Have repealed its local law to override the Tax Cap if one was enacted

The chief executive officer or budget officer must certify to the State Comptroller and the Commissioner of Taxation and Finance that these requirements were met

Local Government Certifications For Year 1

Year 1 - 2015

- The certifications for compliance in Year 1 must be submitted by the 21st day of the local fiscal year to which they apply
- The State Comptroller is developing a system to allow each local government to submit the certifications electronically
- Chief Executive Officer or Budget Officer
 - Cities – The City Mayor or Manager (or as specified in charter)
 - Villages – Village Mayor, Manager or designee

Local Government Compliance For Year 2

Year 2 - 2016

In the fiscal year beginning in 2016, a local government must:

- Comply with the Tax Cap
- Have repealed its local law to override the Tax Cap if one was enacted
- Submit a Government Efficiency Plan (GEP) by June 1, 2015 that includes eligible activities that meet the required savings targets

GEP - Participation

- Local Governments are strongly encouraged – but are not required – to develop the GEP on a county-wide basis
- As an alternative, local governments may develop the GEP with other local governments or on their own
- A local government or school district may only participate in one plan but either may include *their share* of the savings from an eligible activity that was undertaken by a local government and a school district

GEP Savings Requirements

- Each GEP must contain eligible activities that will collectively generate savings of at least 1% of the combined 2014 tax levy of all those participating in the plan
- This 1% savings target must be achieved in local fiscal years *beginning* in 2017, 2018 and 2019
 - 2017: 1% of the 2014 levy
 - 2018: 1% of the 2014 levy
 - 2019: 1% of the 2014 levy

GEP Savings Requirements

- The savings requirement is plan-wide
- Each local government participating in the plan does not have to individually meet the 1% target
- A participating local government may actually incur a cost as long as the GEP as a whole meets the 1% collective savings target
- An analysis of the savings must accompany each GEP

GEP Eligible Activities

- Cooperation Agreements
- Shared Services
- Mergers
- Efficiencies

GEP Eligible Activities

Cooperation Agreements

“Agreements entered into between eligible local government units to implement the sharing or consolidation of functions or services”

- Procurement
- Real estate, facility management, fleet management
- Business and financial services
- Administrative services
- Payroll, time and attendance, benefits administration
- Contract management, grants management
- Transportation services, facilities and function
- Information technology infrastructure, process, services

GEP Eligible Activities

Shared Services

“Functional consolidations by which one eligible local government unit completely provides a service or function for another eligible local government unit which no longer engages in that function or service; shared or cooperative services between and among eligible local government units; and regionalized delivery of services between and among eligible local government units...”

GEP Eligible Activities

Shared Services

- Procurement
- Real estate and facility management
- Fleet management
- Business and financial services
- Administrative services
- Payroll, time and attendance, benefits administration
- Contract management, grants management
- Transportation services, facilities and functions
- Information technology infrastructure, processes or services

GEP Eligible Activities

Mergers

“Consolidations or dissolutions of local government units in accordance with Article 17-A of General Municipal Law or reorganizations, consolidations, or dissolutions of local government units in which one or more local government units are terminated and another local government unit assumes jurisdiction over the terminated local government unit or units pursuant to any other provision of law.”

GEP Eligible Activities

Efficiencies

“Actions taken by a local government or school district to improve the completion of existing processes or functions or the delivery of existing services that result in lower costs.”

GEP Eligible Activities

The “Look Back” Period

- Local governments can include “eligible activities” implemented since the local government has been subject to the tax cap – that is the fiscal year beginning in 2012
- Need to submit documentation of the actions implemented and the associated savings

GEP Certifications – For Year 2

Individual Local Government

In addition to repeating the certifications required in Year 1...

For Year 2, the CEO or Budget Officer must certify in writing -- by June 1, 2015 -- that the local government unit agrees to “undertake its best efforts to fully implement by the end of the local fiscal year beginning in 2017 the cooperation agreements, mergers, efficiencies and/or shared services specified in such plan”

GEP Certifications – For Year 2

Individual Local Government

The chief financial officer of the local government must also certify in writing that "in his or her professional opinion, full implementation of the eligible activities specified in such plan will result in savings equal to at least 1% of its 2014 tax levy in each of the fiscal years beginning in 2017, beginning in 2018 and beginning in 2019."

GEP Certifications – For Year 2

Multiple Local Governments

If several local governments are developing a GEP together:

- One local government must be designated as the *lead entity* to which all other local governments participating in the Plan will deliver their certifications by May 15, 2015
- The CFO of the lead entity is then responsible for submitting all of the required documents to the Director of the Division of the Budget no later than June 1, 2015

GEP Certifications – For Year 2

Multiple Local Governments

In addition to repeating the certifications required in Year 1...

The chief executive officer *or* budget officer of each local government that is a signatory to the plan must certify that:

The local government agrees to undertake its best efforts to fully implement by the end of the local fiscal year beginning in 2017 the cooperation agreements, mergers, efficiencies and/or shared services specified for the local government”

GEP Certifications – For Year 2

Multiple Local Governments

The CFO must also certify that in his/her professional opinion:

“Full implementation by the end of the local fiscal year beginning in 2017, of the cooperation agreements, mergers, efficiencies and/or shared services that are to be taken by such local government unit itself as specified in such plan will result in the savings set forth in the government efficiency plan attributable to such local government unit”

GEP Certifications – For Year 2

Multiple Local Governments

The CFO must also certify that in his/her professional opinion:

“Full implementation of the cooperation agreements, mergers, efficiencies and/or shared services as specified for all of the local government units and dependent school districts that are signatories to such plan will result in savings over the aggregate tax levies for fiscal years beginning in 2014 for all local government units that are signatories to such plan of at least one percent in each of the fiscal years beginning in 2017, beginning in 2018 and beginning in 2019”

Summary of Certifications

For Local Governments to be Compliant in Year 1 – 2015

- Adopted Budget is Within Tax Cap (21 days into FYB 2015)
- Local Law to Override Tax Cap was Repealed (21 days into FYB 2015)

For “Individual” Local Governments to be Compliant in Year 2 – 2016

- Repeat Year 1 Required Certifications (21 days into FYB 2016)
- Agree to Undertake Activities in GEP (by June 1, 2015)
- Agree to Savings Estimates in GEP (by June 1, 2015)

For “Multiple” Local Governments to be Compliant in Year 2 – 2016

- Repeat Year 1 Required Certifications (21 days into FYB 2016)
- Agree to Undertake Activities in GEP (by June 1, 2015)
- Agree to Savings Estimates in GEP (by June 1, 2015)
- Agree to Savings Estimates for ALL local governments in 2017, 2018 & 2019 (by June 1, 2015)

GEP Submission

- The State is developing an “online application” for local governments to use to submit their GEPs
- The Director of the Division of the Budget will notify the Commissioner of Taxation and Finance, by July 31 2015, regarding which local governments met the GEP requirements

Calculating the Credit

As calculated by the NYS Department of Taxation and Finance, the amount of the credit will equal the greater of:

The homeowners year-to-year growth in property taxes

OR

The allowable levy growth factor multiplied by the prior year tax bill

Calculating the Credit

In 2015, the allowable levy growth factor (ALGF) was 1.5%, but the Village of Efficiency kept its levy flat from year-to-year

Calculation 1

Tax bill in 2014 - \$1000

Tax bill in 2015 - \$1000

Change in Tax Bill = \$0

Calculation 2

2014 Bill = \$1,000

x ALGF x 1.5%

Cap Growth = \$15

**Tax Freeze Credit would be \$15

Calculating the Credit

In Year 2, assuming compliance occurs, the homeowner will receive the 2015 rebate plus the greater of the increase in his/her 2016 taxes or the allowable levy growth factor multiplied by the 2015 bill

2015 Rebate to Homeowner -- \$15

2015 Tax Bill -- \$1000

2016 Tax Bill -- \$1020

Increase in Taxes -- \$20 (same as ALGF of 2%)

2016 Rebate -- \$15 + \$20 = \$35

Freeze Credit Payment Calendar

- Fall 2014 Year 1 – School District Tax Credit
- Fall 2015 Year 2 – School District Tax Credit
 Year 1 – Local Government Tax Credit
- Fall 2016 Year 2 – Local Government Tax Credit

Miscellaneous Items

- Tax Freeze Credit will not be permitted for an individual property's tax increase due to:
 - ✓ Improvements to property that increase value
 - ✓ Change in exemption status
 - ✓ A jurisdiction-wide reassessment
- A local government's compliance in one year has no bearing on its compliance in the other year. In other words, if a local government does not comply in year 1, its residents will still be eligible for a freeze credit in year 2.

Miscellaneous Items

- School Districts (outside the Big Four cities) may develop plans with other school districts but not with local governments (although they may implement efficiencies together)
- The Big Four Cities must develop their plans jointly with their respective school districts
- The Big Four Cities can submit a GEP with other local governments but not with other school districts

Miscellaneous Items

- In addition to its adopted budget, each local government must now submit certain aspects of its proposed budget to the State Comptroller
- A taxpayer is not responsible for calculating the freeze credit or applying for the freeze credit
- The Department of Taxation and Finance will establish a procedure for taxpayers to request a freeze credit if they did not receive one and believe they were eligible

Miscellaneous Items

The freeze credit for co-op and mobile homes that are not separately assessed will be calculated as follows:

- Co-op – The Credit will be 60% of the average credit for the jurisdiction
- Mobile Home – The credit will be 25% of the average credit for the jurisdiction

Additional Resources

- State Guidance Document

<http://www.tax.ny.gov/pdf/publications/orpts/pub1030.pdf>

- Frequently Asked Questions Document

<https://www.budget.ny.gov/pubs/press/2015/PropertyTaxFreezeFAQs.pdf>

- Email for questions: TaxFreeze@Budget.ny.gov

Questions???

RESOLUTION

PARTICIPATION WITH WESTCHESTER COUNTY IN NYS PROPERTY TAX
FREEZE/GOVERNMENT EFFICIENCY PLAN

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, a real property tax freeze was adopted by the 2014-15 NY State budget with the intent of encouraging the sharing of services among local governments and the implementation of efficiencies, and therefore be it

RESOLVED, that the Board of Trustees does hereby authorize the Village Manager to sign the application with Westchester County to participate in the County's shared service and efficiency plan.

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

CORRESPONDENCE



January 21, 2015

TO: Mayor Neil Pagano & Port Chester Village Board of Trustees

Clay Art Center is once again celebrating its annual **SPRING FEST** and Super Seconds Sale, to be held at 40 Beech Street, Port Chester, **on Saturday, May 2nd from 11:00 a.m. to 7:00 p.m.** rain or shine. Food, live music and hands-on clay activities will be fun for the whole family and **admission is free**. Additionally, artists from all over the tri-state area have donated their artwork and one of a kind pieces, all of which are sold at greatly reduced prices for this annual fundraising and community event.

Clay Art Center respectfully requests use of the Beech Street municipal parking lot in front of the Clay Art Center building for this community event. This year, we would like to use about 1/3 of the parking lot, and block off the exit closest to our building. Last year's event drew over 400 people from Port Chester and beyond, and we expect this year's event to attract even more. For safety reasons we would like to block off the spots directly in front of our building (perpendicular to Beech Street), along with 2 spots in the middle, and 5 other perimeter spots as well as the one exit. We would like to make those spots and the exit unavailable starting at 9am, when we will begin to set up for the event. We have checked with Holy Rosary Church and they have no events planned for May 2.

Additionally, we would also like to formally inquire if Clay Art Center could be permitted to use the Village's ShowMobile, so we can have more space for live music (and even some dancing) during the event. We would like to know the costs would be to use the stage, and propose that the Village **co-sponsor** our event. For the Village to co-sponsor our event, it would be an opportunity to emphasize our long-term relationship and highlight all that Clay Art Center offers to the Port Chester community, with the Village's support.

While the sale and some other activities will be held indoors, we imagine the showmobile would be placed in the parking lot facing our driveway, where we will have outside hands-on clay activities. We will also have 2 local food trucks, which would be parked inside the perimeter of our event, on the parking lot. We will have a volunteer help direct traffic to other parking locations, should the parking lot fill up due to our event. More information about the event is below and our Spring Fest Committee is working on all the details now.

Thank you for considering our requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Leigh Taylor Mickelson", with a long horizontal flourish extending to the right.

Leigh Taylor Mickelson
Executive Director
Clay Art Center

Cc: Sgt. Braccio

More information about the event:



Unique fun food will be provided through two local food trucks. Tandoori Taste of India will join us once again this year, and Alex Payan is helping us find a taco truck, which will be sure to draw the local community.

Family activities will include face painting, tile painting and hands-on-clay opportunities. Children and adults alike will have the chance to throw a pot on the potter's wheel and participate in a large-scale collaborative sculpture.

Door prizes and raffles will also augment the family fun for the day.



Live music will be the highlight in the afternoon from 12-7pm. We are working with 107.1 The Peak and morning DJ Coach to identify local bands who are willing to support our cause!

And **local breweries will be offering free tastings!** We are currently talking to Port Chester Hall, who will hopefully be our beer sponsor. What a great way to highlight one of Port Chester's newest restaurants.

Hundreds of pots and pieces of pottery and artwork will be for sale at bargain prices. The artwork has been donated from area artists in order to raise funds for the Audrey Greenwald Memorial Equipment Fund which is in memory of a dedicated studio artist who cared passionately about CAC. This year, the funds raised will go towards much needed studio equipment and capital improvements to our facility. Our equipment and unique facility are essential components to CAC's ability to fulfill its mission and provide access to the arts for the community. We are hoping to raise \$20,000 through this event.



Visitors will also have the opportunity to tour our 11,000 square foot facility. In the gallery, we will be exhibiting *Divergent Currents: The Ripple Effect of Japan on American Ceramic Artists*, curated by Jeff Shapiro and featuring 14 renowned artists from across the country.



Clay Art Center is a nationally recognized 501(c)(3) non-for-profit arts center. For over 50 years, the Clay Art Center has been a champion for the arts in the community and is the largest and most active ceramic facility in the tri-state area. Believing strongly that the arts have the ability to touch and enrich lives, CAC's mission is to offer a stimulating space for studio practice, exhibition and educational opportunities to better serve the community. By forming partnerships with community organizations and with additional private, corporate and government funding, CAC reaches over 3,750 people through its Community Arts programming for: at-risk youth, seniors, underserved families, developmentally disabled youth and adults, adults with mental illnesses, women fighting cancer and adults living with Alzheimer's disease. Clay Art Center strives to put clay into the hands of those who need it most.



Leigh Taylor Mickelson, Executive Director
Clay Art Center
40 Beech Street
Port Chester, NY 10573
914-937-2047 x222 leigh@clayartcenter.org

*Westchester County
Leadership Prayer Breakfast*

Mr. Christopher Steers

July 29, 2014

Port Chester Village Manager

222 Grace Church St.
Port Chester, NY 10573

Dear Chris:

This note is to praise you for the testimony of your character and the words of our mouth that exemplify your commitment of Jesus Christ as your Lord and Savior. Thank you for serving Him as you serve the Village of Port Chester.

We of the Westchester County Leadership Prayer Committee have nominated you and informally voted to welcome you as a new committee member. We would like for you to serve with us. The formal vote will take place at our meeting in September. I will ask our Committee Chairman, the Honorable George Oros, Chief of Staff to the County Exec. to send you a note in the Fall.

As a committee we recognize how busy everyone is and limit our meetings and time involvement as necessary. Our next Westchester Prayer Breakfast will be held on the first Friday in May. We will meet in preparation for the event in January.

I began the annual breakfast over 30 years ago at the behest of the International Prayer Breakfast in Washington. Since you have attended the International Prayer Breakfast you are aware of our purpose and orientation.

Consequently I welcome you to our committee as a brother and fellow servant of our Lord.

In His matchless grace,



Art Robertson, Ph.D.

Chairman of the Board

Westchester Leadership Prayer Breakfast.

The Apostle Paul admonishes us: "Prayers are to be offered to God ... for all who are in positions of authority that we may live a quiet and peaceful life." 2 Timothy 2:2

SENATORS:

LAMAR ALEXANDER
JOHN BOOZMAN
CHRISTOPHER COONS
MICHAEL B. ENZI
HEIDI HEITKAMP
JAMES M. INHOFE
JOHNNY ISAKSON
TIM KAINE
ANGUS KING
AMY KLOBUCHAR



REPRESENTATIVES:

ROBERT ADERHOLT
JOHN BARROW
EMANUEL CLEAVER, II
JEFF DUNCAN
VIRGINIA FOXX
LOUIE GOHMERT
JANICE HAHN
RANDY HULTGREN
JEFF MILLER
TERRI SEWELL
JUAN VARGAS

**Robert P. Casey, Jr.
Roger Wicker**
United States Senators

NATIONAL PRAYER BREAKFAST CO-CHAIRS

VILLAGE OF PORT CHESTER

OCT 27 2014

RECEIVED

October 22, 2014

Mr. and Mrs. Christopher Steers
222 Grace Church Street
Port Chester, NY 10573

Dear Mr. and Mrs. Steers:

On behalf of the Congressional Host Committee, we are pleased to invite you to join us for the 63rd Annual National Prayer Breakfast on Thursday, February 5, 2015, at 7:30 a.m., at the Washington Hilton in Washington, D.C.

Each year, the President of the United States, Members of Congress, and other national leaders gather to reaffirm our trust in God with others throughout the world. During this time, friends and leaders from more than 130 nations seek to build and strengthen personal relationships and deepen international ties through our spirituality, love of God, and care for each other. Although we face tremendous challenges each day, our hearts are strengthened as we seek God's wisdom and guidance together.

The National Leadership Seminar is an integral part of this experience. It includes a dinner on Wednesday, February 4, and a seminar, lunch, and dinner on Thursday, February 5. A tentative schedule is enclosed. The total cost of attendance is \$550 per person, \$350 of which is tax deductible. Please be advised that the refund deadline is January 16, 2015. Your prompt response is greatly appreciated.

If you are able to attend and plan to stay at the Washington Hilton, please make your reservation with the hotel directly. A hotel information card is enclosed for your convenience.

We hope you will be able to join us for this special occasion.

Sincerely,

Bob Casey, Jr.
Robert P. Casey, Jr.

Roger F. Wicker
Roger F. Wicker

NPB 0

SENATORS:

LAMAR ALEXANDER
JOHN BOOZMAN
CHRISTOPHER COONS
MICHAEL B. ENZI
HEIDI HEITKAMP
JAMES M. INHOFE
JOHNNY ISAKSON
TIM KAINE
ANGUS KING
AMY KLOBUCHAR



REPRESENTATIVES:

ROBERT ADERHOLT
JOHN BARROW
EMANUEL CLEAVER, II
JEFF DUNCAN
VIRGINIA FOXX
LOUIE GOHMERT
JANICE HAHN
RANDY HULTGREN
JEFF MILLER
TERRI SEWELL
JUAN VARGAS

Robert P. Casey, Jr.
Roger Wicker

United States Senators

NATIONAL PRAYER BREAKFAST CO-CHAIRS

October 13, 2014

Ms. Leonie Douglas
2 Canfield Avenue
Apartment 822
White Plains, NY 10601

Dear Ms. Douglas:

On behalf of the Congressional Host Committee, we are pleased to invite you to join us for the 63rd Annual National Prayer Breakfast on Thursday, February 5, 2015, at 7:30 a.m., at the Washington Hilton in Washington, D.C.

Each year, the President of the United States, Members of Congress, and other national leaders gather to reaffirm our trust in God with others throughout the world. During this time, friends and leaders from more than 130 nations seek to build and strengthen personal relationships and deepen international ties through our spirituality, love of God, and care for each other. Although we face tremendous challenges each day, our hearts are strengthened as we seek God's wisdom and guidance together.

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We hope you will be able to join us for this special occasion.

Sincerely,

Handwritten signature of Robert P. Casey, Jr. in black ink.
Robert P. Casey, Jr.

Handwritten signature of Roger F. Wicker in black ink.
Roger F. Wicker

NPB 0

PHONE (202) 266-9970 FAX (202) 266-9978

E-MAIL: NPB@INTFRIENDS.US

Not Printed at Government Expense

National Leadership Seminar
Tentative Schedule

Tuesday, February 3, 2015

1:00 p.m. – 7:00 p.m. Registration

Wednesday, February 4, 2015

9:00 a.m. – 8:00 p.m. Registration

2:30 p.m. – 4:30 p.m. Congressional Reception
for Women from the 50 States
with Congressional Spouses

6:30 p.m. Congressional Dinners (room numbers and actual time
will be on your dinner ticket)

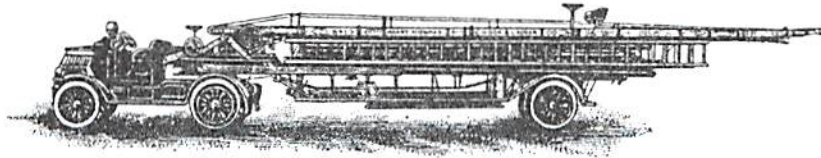
Thursday, February 5, 2015

8:00 a.m. National Prayer Breakfast – International Ballroom
(Please be seated by 7:30 a.m.)

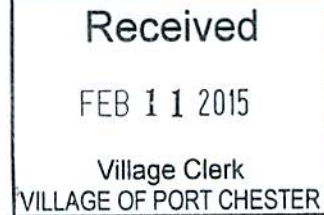
10:30 a.m. Leadership Seminars (room number and actual time
will be on your seminar ticket)

12:30 p.m. Leadership Luncheon - International Ballroom

6:00 p.m. Closing Dinner - International Ballroom



HARRY HOWARD HOOK & LADDER CO. NO. 1
PORT CHESTER, N.Y. 10573



February 4, 2015

Honorable Mayor Neil J. Pagano and
Members of the Village Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573
Attn: Dr. Janusz Richards – Village Clerk

Re: Expulsion of Frank DeLeo

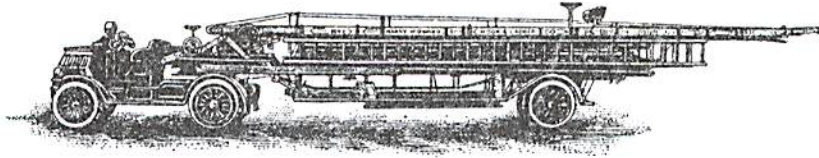
Gentlemen:

The purpose of this letter is to inform you that on the evening of February 3, 2015 during the regularly scheduled monthly meeting of Harry Howard Hook & Ladder Company #1, in accordance with its By-Laws, the Company membership voted to expel the following individual from membership in the Company effectively immediately:

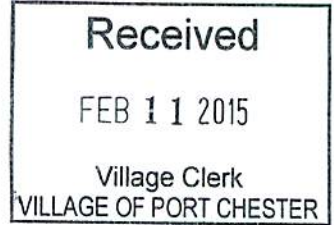
Frank DiLeo
4 Fairview Place
Port Chester, NY 10573

Yours truly,

NEIL J. PAGANO
Secretary



HARRY HOWARD HOOK & LADDER CO. NO. 1
PORT CHESTER, N.Y. 10573



February 4, 2015

Honorable Mayor Neil J. Pagano and
Members of the Village Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573
Attn: Dr. Janusz Richards – Village Clerk

Re: Resignation of Marcos E. de Melo

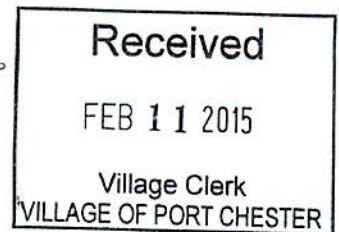
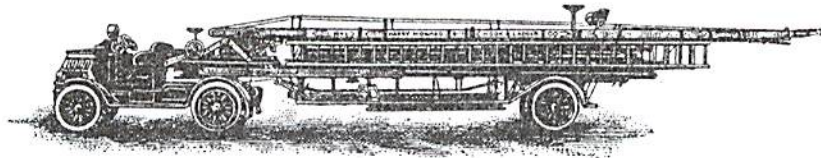
Gentlemen:

The purpose of this letter is to advise you that a letter of resignation was received by this Company from Marcos E. de Melo, 579 Locust Avenue, Port Chester, NY. 10573

The resignation was formally accepted with regrets at the regular monthly meeting of the Company on 2/3/2015.

Yours truly,

NEIL J. PAGANO
Secretary



HARRY HOWARD HOOK & LADDER CO. NO. 1
PORT CHESTER, N.Y. 10573

February 4, 2015

Honorable Mayor Neil J. Pagano and
Members of the Village Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573
Attn: Dr. Janusz Richards – Village Clerk

Re: Resignation of Timothy G. Hannigan

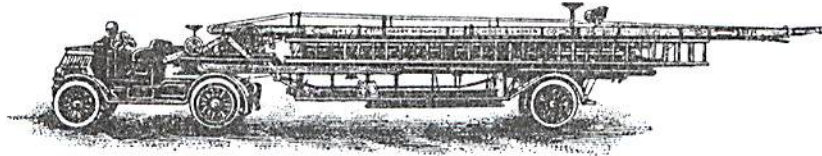
Gentlemen:

The purpose of this letter is to advise you that a letter of resignation was received by this Company from Timothy G. Hannigan, 92 Glenville St., Glenville, CT 06831.

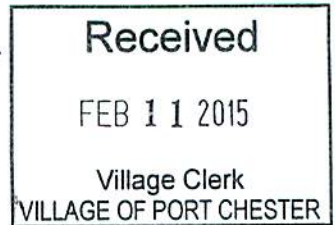
The resignation was formally accepted with regrets at the regular monthly meeting of the Company on 2/3/2015.

Yours truly,

NEIL J. PAGANO
Secretary



HARRY HOWARD HOOK & LADDER CO. NO. 1
PORT CHESTER, N.Y. 10573



February 4, 2015

Honorable Mayor Neil J. Pagano and
Members of the Village Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573
Attn: Dr. Janusz Richards – Village Clerk

Re: Resignation of Vincent R. Lyons

Gentlemen:

The purpose of this letter is to advise you that a letter of resignation was received by this Company from Vincent R. Lyons, 222 South Ridge Street, Port Chester, NY 10573

The resignation was formally accepted with regrets at the regular monthly meeting of the Company on 2/3/2015.

Yours truly,

NEIL J. PAGANO
Secretary

Washington Engine & Hose Co. #4, Inc.
PORT CHESTER FIRE DEPARTMENT
PORT CHESTER, NEW YORK

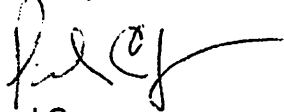
February 10, 2015

Village Clerk
Village of Port Chester
222 Grace Church St
Port Chester NY 10573

Dear Village Clerk:

Please note the action of Washington E&H Co #4 in accepting the resignation of John Pugni from active membership in Washington E&H. We understand that John intends to rejoin the Department in Harry Howard where his son is also a member.
Our Officers will recover the Village's badge and return it to the Clerks office.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Cregan", with a long horizontal flourish extending to the right.

Paul Cregan
Secretary

Washington Engine & Hose Co. #4, Inc.
PORT CHESTER FIRE DEPARTMENT
PORT CHESTER, NEW YORK

February 10, 2015

Village Clerk
Village of Port Chester
222 Grace Church St
Port Chester NY 10573

Dear Village Clerk:

Washington E&H Co #4 reluctantly accepts the resignations of the following members:

James Smith
Peter J Zeale

Both members were strong contributors to the Volunteer service that is the Port Chester Fire Department. In their resignation letters both expressed that they will truly miss being part of the PCFD and thanked us for the experience and friendships they have gained through their membership. They will be missed and it is our hope that one day they will be allowed to return as members.

We believe that these resignations are made under duress and that under normal circumstances these members would never have contemplated resigning. That said, in looking out for the welfare of our members we've agreed to accept their resignations so that their careers in other Departments will not be impacted. That is more than you can say for the union that purports to represent them.

Sincerely,



Paul Cregan
Secretary



PUTNAM ENGINE & HOSE CO., NO.2

Organized October 4, 1854

Incorporated May 17, 1954

P.O. Box 933, Port Chester, NY 10573

February 6, 2015

VIA EMAIL & REGULAR MAIL

VILLAGE OF PORT CHESTER

VILLAGE CLERK

222 Grace Church Street

Port Chester, NY 10573

JRichards@portchesterny.com

Attn: Janusz R. Richards

Dear Mr. Richards:

As of our February 2015 meeting, the Putnam Engine & Hose, Company No.2, has reinstated the following member back into the membership of the Company and restored him to the active roll call. Please restore Mr. Sciavillo's status as an active fireman.

Eugene Sciavillo
31 Summit Avenue
Port Chester, NY 10573

Sincerely yours,
PUTNAM ENGINE & HOSE COMPANY, NO. 2

Frank Cervinka
Secretary

Enclosure

cc: President Robert Gerardi



Companies :

Reliance Chemical & Hose
No. 1

Putnam Steamer & Hose
No. 2

Fire Department
Village of Port Chester
WESTCHESTER COUNTY, N. Y.

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Paningo Street

Received

FEB 12 2015

Village Clerk

VILLAGE OF PORT CHESTER

Harry Howard Hook &
Ladder No. 1

Fire Police No. 1

Mellor Hose No. 1

Washington Engine & Hose
No. 4

Brookville Hose No. 5

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE PORT CHESTER, N. Y. :

The Fire Board & Rescue Co #1 respectfully reports that at a meeting held on ~~Tues~~ ^{Friday} February 5, 2015 favorable action was taken on the following:

Elected active members Ryan Powers

Elected honorary members _____

Members resigned _____

Members expelled _____

Members suspended _____

Members died _____

Badges returned (numbers) _____

Remarks _____

Secretary.

James K Mitchell, Jr.

DOB 10-22-1990
264 Clinton Ave
New Rochelle N.Y.
10801

TRAFFIC COMMISSION
Port Chester, New York

February 12, 2015

Mayor Neil Pagano and the Board of Trustees:

At the January meeting of the Traffic Commission safety at the Fire House locations was discussed.

The Commission recommends that at Fire Headquarters on Westchester Avenue the curb and roadway be marked with striping and "No Parking or Standing" printed in the street both in front of the station and across the street from the station. This will alleviate the problem of parked cars blocking the area.

Very truly yours,

Joseph Gianfrancesco, Jr.

Joseph Gianfrancesco, Jr.
Chairman

Village of Port Chester

OFFICE OF THE CHIEF
PORT CHESTER FIRE DEPARTMENT
209 Westchester Avenue
Port Chester, NY 10573
CHIEF'S OFFICE: 914-939-8574



New York

Kevin McMinn
CHIEF

Edward Quinn
FIRST ASSISTANT CHIEF

Michael DeVittorio
SECOND ASSISTANT CHIEF

December 1, 2014

VILLAGE OF PORT CHESTER

DEC 2 2014

RECEIVED VM

Mr. Christopher Steers
Village Manager
Village of Port Chester
220-222 Grace Church St.,
Port Chester, NY 10573

RE: Traffic problems around all PCFD Stations.

Dear Mr. Steers,

I am writing you with concerns I have about the traffic problems all fire stations are experiencing when responding to and returning from alarms. First, let me start out with what the fire chiefs try and do when returning from alarms.

If we are going in the same direction as the returning apparatus we will lag behind them and act as a barrier to traffic as they back into their respective station. While this is not a written SOP/SOG we feel it's better for another vehicle to hit a \$30,000 chief's car than a \$650,000-\$1,000,000 piece of fire equipment. Now to our problem.

In the close to four (4) years I've been a chief I have witnessed a number of close or near misses with fire apparatus backing into their station. The SOG for the department notes all apparatus must have all of their emergency lighting on, pull to the side first to check for traffic following them, discharge firefighters to assist in the backing up process and then back into the station. I have never witnessed a piece of fire apparatus not doing this. So the problem is not with the fire department or its drivers.

On the night of Wednesday, November 26, 2014, just as the Capital Theater's venue was leaving we were coming back from a minor alarm for a stuck/occupied elevator. I was behind out Rescue-40 and another car, again, hanging back to block traffic. As the Rescue passed a SUV parked on the corner the driver of the SUV whipped out into traffic right behind the Rescue and literally was 2-3 feet on their tail. The Rescue had all of their lights on and pulled in front of headquarters to check for traffic. Just

as they were doing this the SUV sped up and almost clipped the apparatus. I reported the incident to the police and gave them the information I obtained on the vehicle as I followed them up the street.

I feel the village now has no choice but to take one of the following steps to prevent what could be a catastrophic accident from occurring. First many of the stripes in front of or on the streets of any of the fire stations is either missing, so faded out that they cannot be seen or just gone due to road work. Station 5 on Willett Ave has vehicles parking directly across the street or in the zone that used to be lined off. This makes exiting or entering the station much harder. Even where the lines are in place, such as at headquarters, they are not doing much to get people to stop.

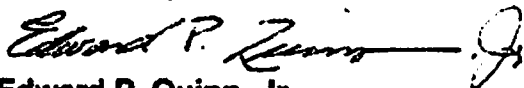
Secondly, only headquarters has any signage warning of a fire station and this is right in front of HQ, not leading up to it. A driver could say they were never warned that a station was on the street.

Finally, there are no warning lights, of any kind, on the streets in front of any of the stations. I'm sure you've seen other municipalities that have actual stop lights in front of the stations that can be operated by the firefighters as they pull out of or back into the stations.

I realize that many of the stations are on state or county roadways. However, in the event of an accident and the now normal litigation that goes with any such accident, the village would have to "go it alone" in any proceedings. I also realize that cost may be a factor but this would only be for the lights. Traffic paint and signage can easily be installed, even if the state or county has to do it.

I look forward to your thoughts on this severe safety exposure and will be willing to work with you, the DPW or state/county departments to at least get stripping and signage in place as soon as possible.

Firematically,



Edward P. Quinn, Jr.
1st Assistant Chief Engineer
Port Chester Fire Department

Cc: Chief Kevin McMinn, Chief Engineer, P.C.F.D.
Cc; Michael DeVittorio, 2nd Assistant Chief Engineer, P.C.F.D.



BARNEY EDWARDS REAL CO. | EDWARDS REAL CO.



MEAT | G. PRODUCE

255
261
335
CITGO





MINUTES

MEETING HELD DECEMBER 15, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, December 15, 2014, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Luis Marino, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustee Terenzi was absent.

It should be noted that Trustee Kenner arrived at 6:02 p.m. and Trustee Brakewood arrived at 6:04 p.m.

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas (arrived at 6:07 p.m.); Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez; Christopher Ameigh Administrative Aide to the Village Manager and Village Planner Jesica Youngblood (arrived at 6:53 p.m.).

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the meeting was declared opened at 6:01 p.m.

ROLL CALL

AYES: Trustees Adams, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Brakewood, Terenzi and Kenner.

DATE: December 15, 2014

MOTION FOR EXECUTIVE SESSION

At 6:01 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO the Board adjourned into an executive session regarding IMA between Village of Port Chester and Village of Rye Brook regarding Sewer Rent.

ROLL CALL

AYES: Trustees Adams, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Brakewood, Terenzi and Kenner.

DATE: December 15, 2014

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez and Christopher Ameigh Administrative Aide to the Village Manager.

No action was taken in executive session.

At 6:24 p.m., a motion to come out of executive session was made by TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

Add-On 2nd Executive Session

Mayor Pagano asked for a motion to add-on an Executive Session to consult with Village Attorney regarding legal strategy involving 23 Washington Street property.

There being no objection TRUSTEE MARINO, made a motion to add-on an Executive Session to consult with Village Attorney regarding legal strategy involving 23 Washington Street property, seconded by TRUSTEE BRAKEWOOD, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

At 6:25 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD the Board adjourned into an executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez and Christopher Ameigh Administrative Aide to the Village Manager.

No action was taken in executive session.

At 6:47 p.m., a motion to come out of executive session was made by TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

Add-On 3rd Executive Session

Mayor Pagano asked for a motion to add-on an Executive Session to consult with Village Attorney regarding legal strategy involving Westchester County Board of Election.

There being no objection TRUSTEE BRAKEWOOD, made a motion to add-on an Executive Session to consult with Village Attorney regarding legal strategy involving Westchester County Board of Election, seconded by TRUSTEE ADAMS, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

At 6:48 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD the Board adjourned into an executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano
NOES: None.
ABSENT: Trustee Terenzi.

DATE: December 15, 2014

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez and Christopher Ameigh Administrative Aide to the Village Manager.

No action was taken in executive session.

At 6:50 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano
NOES: None.
ABSENT: Trustee Terenzi.

DATE: December 15, 2014

RESOLUTIONS (Taken out of order)

RESOLUTION #1

AUTHORIZING THE MAYOR TO INITIATE AN ARTICLE 78 PROCEEDING AGAINST THE WESTCHESTER COUNTY BOARD OF ELECTIONS

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that the Mayor is hereby directed to institute an Article 78 proceeding in the name of the Village of Port Chester in the Westchester County Supreme Court to seek review of the determination of the Westchester County Board of Elections rejecting the Village's transfer of the Village Election.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano
NOES: None.
ABSENT: Trustee Terenzi.

DATE: December 15, 2014

WORKSHOP

Director of Planning and Development Christopher Gomez provided the Board with a quick overview on the amendment to Marina Urban Redevelopment (MUR) regarding Section 142.031, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23, and 24 (Former Coney's lot).

Applicant, G&S Port Chester LLC, has submitted a formal zoning petition pursuant to §345-34 to the Board of Trustees regarding former "Coney's lot" (aka "Retail D"/"Unit 2B"), Section 142.031, Block 1 Lots 3,4,5,6,20,21,22,23 and 24 of the Town of Rye Official Tax Map and interstitial Liberty Street Right-of-Way, for amendments to the Urban Renewal Plan for the Modified Marina Redevelopment Project, regulations to the MUR Marina Redevelopment Project Renewal District, and Concept Development Plan of the Modified Marina Redevelopment to permit multi-family development.



Specifically, applicant seeks a zoning amendment in order to construct a 5-story, 90,000 square foot mixed use building ("Waterfront Place") consisting of four floors of 79 rental dwelling units (7 studios, 56 one- bedroom, and 16 two-bedroom) over 12,00 square feet of ground floor retail. The subject parcels were approved for three (3) stories and approximately 40,000 square feet of retail development as part of the overall project approval in 1999.

Petition proposes the following dimensional and bulk requirements for a newly mapped "MUR Mixed-Use District" (see attached comparison with existing downtown zoning district regulations):

Maximum Height: 5 stories or 70 feet
Minimum Lot Area per Dwelling Unit: 250 Square Feet
Minimum Lot Depth/Width: None
Front/Side/Rear Setback: None
Usable Open Space per Unit: None

Further, applicant is requesting an amendment to both the MMRP Urban Renewal Plan and MUR District regulations to add a multifamily dwelling parking regulation to the required parking table (see Exhibit "E")

Comprehensive Plan Consistency:

The subject parcels are within the Downtown North and South Main Street and Abendroth Avenue sub-area of the comprehensive plan which is identified as "Higher Intensity Planning Zone" that strongly encourages "ground floor retail and upper level residential uses to compliment North Main Street" and regulatory controls to promote development primarily comprised of studio and one bedroom dwelling units to reduce impacts to the school district. As such, a zoning text and/or map change to ultimately permit residential development on-site is necessary to achieve consistency between comprehensive plan recommendations and the existing Village Zoning Code.

Note that the Board of Trustees retains discretionary approval authority over all requested amendments as well as site plan approval for the project by virtue of its location within the MUR Marina Urban Redevelopment District.

Comparison with Existing Downtown Zoning Districts:

As seen in the comparison table below, the proposed dimensional regulations for MUR-MU Marina Urban Renewal Mixed Use District are generally consistent with the existing downtown C2 Main Street, C5T Mixed Use Transitional, and C5 Train Station Mixed Use Districts that abut the existing MUR Zoning District and "Retail D" parcels. Due to the site's unique location at Liberty Square in the heart of the Village's downtown at the confluence of several zoning districts, it may be appropriate to look to create a new hybrid MUR-MU zoning district with elements from each of the existing three downtown mixed use districts outlined below.

Dimensional Regulations	Existing Downtown Zoning Districts			Proposed
	C2 Main Street Business	C5T Downtown Mixed Use Transitional District	C5 Train Station Mixed Use	MUR-MU Marina Urban Renewal Mixed Use District
	§ 345-48	§ 345-50.2	§ 345-50.1	
Maximum Floor Area Ratio (See definition, § 345-2)	3.2 (4.0)	4.00 (4.5)	4.00 (4.5)	≈3.9
Maximum Floor Area Ratio For 1 Story	NR	NR	NR	NR
Minimum Size of Lot:				
Area, nonresidential (square feet)	NR	NR	NR	NR
Area per dwelling unit (square feet)	750 (575)	575 (400)	400 (250)	250
Width (feet) (e)	40	40	40	NR
Depth (feet)	NR	NR	NR	NR
Minimum Yard Dimensions:				
Front (feet)	NR	NR	NR	NR
Side:				
One (feet)	NR	NR	NR	NR
Total of 2 on interior lot (feet)	NR	NR	NR	NR
Rear (feet)	20	20	20	NR
Maximum Height of Building:				
In stories	5	5*	8**	5
In feet	60	60*	90**	70
Minimum Usable Open Space on Lot:				
For each dwelling unit (square feet)	50^	50^	50^	NR

() = FAR and Lot Area Per Dwelling Unit reduction bonus potential in accordance with §345-16.

* Building height bonus of one story (10 feet) is available in accordance with §345-16.

**Building height bonus of two stories (30 feet) is available in accordance with §345-16.

^Village Board of Trustees may accept an offer of cash in lieu of 50 square feet of usable open space per unit or portion thereof. The value should be based on 50% of the assessed value of the land on the site, calculated by utilizing the 50 square feet of land per unit. All funds should be kept by the Village in a separate account to be used only for the acquisition, preservation, or improvement of open space in accordance with §345-7 E.

FAR: Although no specific maximum FAR is called out in the applicant’s petition, dividing the anticipated development square footage (90,000) by the total lot area yields an approximate FAR requirement of 3.8-3.9 which is comparable to the as-of-right 4.0 FAR permitted in both the C5 and C5T districts west of the site. Note that the C2 Main Street Business District immediately to the north of the site offers an as-of-right FAR of 3.2, bonus-able to 4.0 under the provisions of §345-16.

Lot Area per Dwelling Unit: Applicant is requesting a lot area per dwelling unit of 250 square feet to permit 79 units on site. Note that under existing downtown zoning, 250 square feet per dwelling unit can only be achieved via a density bonus application in the C5 Train Station Mixed Use District to reduce as-of-right 400 sq. ft. to 250 sq. ft.

Minimum Yard Dimensions: None of the existing downtown zoning districts have front or side yard setback requirements to maintain a consistent street wall along Main Street and Westchester Avenue. However, they do each require a 20 foot rear setback. Applicant is proposing no rear yard setback for the MUR-MU District.

Height: The petition call for 5 stories/70 feet, which is in line with story height of both the C2 and C5T districts, albeit with an additional 10 feet of height. The C2 would not permit 70 feet, the C5T could via the density bonus program §345-16. C5 permits 8 stories/90 feet as-of-right.

Minimum Usable Open Space on Lot: All three existing mixed use districts require 50 square feet of usable open space per dwelling unit or a payment of cash in lieu based on 50% of the assessed value of the land on the site, calculated by utilizing the 50 square feet of land per unit. Applicant is requesting no requirement for usable open space per dwelling unit for the proposed MUR-MU District.



Director of Planning and Development Christopher Gomez proposes the adoption of Lead Agency/Planning Commission referral Resolution.

Motion to Add-On a Resolution

Mayor Pagano asked for a motion to adopt the attached resolution “Declaration of intent to be Lead Agency and commencement of the state environmental quality review act process relating to proposed zoning map and text changes to the existing Marina Urban Redevelopment (MUR) District and the MMRP Urban Renewal Plan”

On motion of TRUSTEE MARINO seconded by TRUSTEE BRAKEWOOD the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

RESOLUTION (Add-On)

DECLARATION OF INTENT TO BE LEAD AGENCY AND COMMENCEMENT OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT PROCESS RELATING TO PROPOSED ZONING MAP AND TEXT CHANGES TO THE EXISTING MARINA URBAN REDEVELOPMENT (MUR) DISTRICT AND THE MMRP URBAN RENEWAL PLAN

DECEMBER 15, 2014

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, on December 5, 2014, the Village Board of Trustees received a zoning petition from G&S Port Chester LLC (herein referred to as “Applicant”) to amend the respective zoning map and text amendments to the Urban Renewal Plan for the Modified Marina Redevelopment Project, regulations to the MUR Marina Redevelopment Project Renewal District, and Concept Development Plan of the Modified Marina Redevelopment to permit multi-family residential development (“Exhibit D” in Applicant’s petition); and

WHEREAS, the proposal includes the parcels designated as Section 142.31, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23 and 24 of the Town of Rye Official Tax Map as well as the interstitial Liberty Street Right-of-Way; and

WHEREAS, the proposal specifically seeks creation of a new “MUR-MU Marina Urban Redevelopment Mixed Use District” to permit the construction of a 5-story, 90,000 square foot mixed use building (“Waterfront Place”) consisting of four floors of 79 rental dwelling units (7 studios, 56 one- bedroom, and 16 two-bedroom) over 12,00 square feet of ground floor retail; and

WHEREAS, the subject parcels were approved for three (3) stories and approximately 40,000 square feet of retail development as part of the overall project approvals in 1999; and

WHEREAS, the Village of Port Chester Board of Trustees retains authority to amend the Urban Renewal Plan for the Modified Marina Redevelopment Project, regulations to the MUR Marina Redevelopment Project Renewal District, and Concept Development Plan of the Modified Marina Redevelopment in accordance with Article XVI Marina Redevelopment Project Urban Renewal District of the Village Code. Now therefore be it

RESOLVED, the Village of Port Chester Board of Trustees declares its intent to serve as Lead Agency for the proposed Unlisted Action as defined in Part 617 of the State Environmental Quality Review Act (SEQRA) regulations and circulates the proposal to the following interested/involved agencies for review; and be it further

RESOLVED, that the Village Board of Trustees refers the proposal to the Village of Port Chester Planning Commission for review and comment in accordance with Chapter 345-23 of the Village Code.

Potential Interested/Involved Agencies:

Port Chester Planning Commission
Michael Scarola, Chairman
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

Port Chester Zoning Board of Appeals
William Villanova, Chairman
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

Port Chester Waterfront Commission
Bart Didden, Chairman
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

Architectural Review Board
William Hume, Chairman
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

City of Rye
Christian Miller, Planning Director
City Hall
1051 Boston Post Road
Rye, NY 10580

Westchester County Planning Board
Jeremiah Lynch, Chairman
148 Martine Avenue
White Plains, NY 10601

Town of Rye
Hope Vespia, Town of Rye Clerk
222 Grace Church Street
Port Chester, NY 10573

Village of Rye Brook
Christopher Bradbury, Administrator/Clerk
938 King St, Rye Brook NY 10573

Town of Greenwich Clerk
Carmella C. Budkins
101 Field Point Rd
Greenwich, CT 06830

New York State Department of Transportation Region 8
William Gorton, PE Regional Director
Eleanor Roosevelt State Office Building
4 Burnett Boulevard
Poughkeepsie, NY 12603

Approved as to form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:

PUBLIC HEARING# 1- Local Law amending the code of the Village of Port Chester - Sewer Rent Section 268-4 adjustments and appeals.

The following Public Notices were duly published in the Journal News and the Westmore News on **November 21, 2014**, certified by **Cecilia Hernandez**, Principal Clerk of the Journal News and **Angelina Brescia**, Office Manager of the Westmore News

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, December 15, at 7:00 P.M., or as soon thereafter at the Port Chester Justice Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider adopting a local law amending the Code of the Village of Port Chester, Chapter 268, "Sewer Rents" with regard to the process of adjustments in water consumption and appeals.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed local law is available at the Village Clerk's office or online at the Village website www.portchesterny.com.

Date: November 21, 2014

/s/ JANUSZ R. RICHARDS
JANUSZ R. RICHARDS
Village Clerk
Village of Port Chester, New York

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI, the public hearing was declared open.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the public hearing was adjourned to the January 20, 2014, meeting

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

PUBLIC HEARING# 2 - Local Law - amending the code of the Village of Port Chester, Chapter 345 With Regard To Site Plan Review Procedures.:

The following Public Notices were duly published in the Journal News and the Westmore News on **November 21, 2014**, certified by **Cecilia Hernandez**, Principal Clerk of the Journal News and **Angelina Brescia**, Office Manager of the Westmore News

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, December 15, at 7:00 P.M., or as soon thereafter at the Port Chester Justice Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider adopting a local law amending the Code of the Village of Port Chester, Chapter 345 "Zoning", Section 345-23 site plan approval procedures with regard to survey requirements and extending the term of site plan approval.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed local law is available at the Village Clerk's office or online at the Village website www.portchesterny.com.

Date: November 21, 2014

/s/ JANUSZ R. RICHARDS
JANUSZ R. RICHARDS
Village Clerk
Village of Port Chester, New York

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI, the public hearing was declared open.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

Public Comments

Mayor Pagano asked if there was anyone from the audience who would like to make any comments regarding this public hearing.

Comments were made by:

Ms. Goldie Solomon commented we are taxed too much. This is a tax. We should not be paying this separately; it should be on the tax bill. We are a low income community.

Mr. Richard Abel commented on due process for sewer rent. Attorney Cerreto commented that when this Board adopted the Sewer Rent Law it did not have to provide for an appeal process in the code. We went beyond with this extra step of having an appeal process. The appeal process is to take your request to the administrative staff. He commented that the town of Mamaroneck is considering this same fee. We are in the forefront on this issue. Mr. Abel said his point is that there should be an appeal process.

Mr. Giangrande commented that there is still water coming out of the sewers. Village Manager Steers commented that these are two different things. Mr. Giangrande is talking about storm water; and this is an ongoing program that is always being dealt with.

Mr. Howie Ravikoff commented on not passing this amendment tonight. It doesn't address the problem with this law. Currently the law has a 10% cap. If an applicant has an issue there is a process. It only affords a 10% reduction. We should be able to recoup more than 10%. The administrator should be allowed to recoup up to 100%.

Trustee Brakewood commented on how much money the Sewer Rent fee has generated and how much was given back as a result of appeals/ Leone responded that she will research this. He wondered if an appeals process was worth the effort for the small amount in reductions. Mr. Ravikoff commented that his money is being held by the Village during his appeals process. This is poor execution.

Ms. Goldie Solomon commented that people who live out of the Village are not on the side of the people.

Mr. Abel commented that you have to appeal every bill. There should be an annual appeal.

Ms. Beatrice Conetta commented that this bill was not thought out right.

Trustee Ceccarelli commented that this has raised \$15MM, and includes all, including non-profits, in the user fee.

Trustee Brakewood commented that he does not think it is a value to use staff time to review these appeals on a monthly basis.

Mr. Ravikoff said he would like to make his appeal statement once a year, which he feels is enough. The amendment, as it reads, is not right.

Trustee Marino commented his opinion is to discuss this more.

Village Manager Steers agreed we need more discussion on this. Before the second meeting in January the Board should have a discussion on the overall percentage of the appeals and the staff handling the appeals.

Attorney Cerreto commented we should keep the law open.

Mayor Pagano made a motion to adjourn decision until January 20th.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI the public hearing was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

Adoption of Local Law No. 7 of 2014

Village of Port Chester, New York

Local law No. 07 of the Year 2014

**A LOCAL LAW AMENDING THE CODE
OF THE VILLAGE OF PORT CHESTER, CHAPTER 345,
WITH REGARD TO SITE PLAN REVIEW PROCEDURES**

SECTION 1: The Code of the Village of Port Chester, Chapter 345, Section 345-23 is hereby amended to read as follows:

345-23 Site Plan Procedures.

C. Submission Procedures

(2) Site plan

(c) All site plan applications must be accompanied by a current, certified survey of existing conditions of the application property prepared by a registered and licensed surveyor in the State of New York. Minimum requirements include property lines and measurements, tax lot designation, utility lines and connections, curb cuts, street designations, and north arrow.

H. Miscellaneous provisions.

(6) Validity. Approval of a site plan by the Planning Commission shall be valid for a period of one year from the date of approval. Upon application and for good cause shown, the Planning Commission shall have the right to extend the period of approval to not more than two years from the date of the original approval.

SECTION 2: Severability

If any provision of this local law is held to be invalid or unenforceable in whole or in part, such invalidity or unenforceability shall attach only to such provision or part thereof and the remaining part of such provision and all other provisions hereof shall continue in full force and effect.

SECTION 3: Effective Date

This local law shall take effect immediately as provided by law and upon filing with the Secretary of State.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF PORT CHESTER, NEW YORK
NEIL J. PAGANO, Mayor
JANUSZ R. RICHARDS, Village Clerk

Adopted: December 15, 2014

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI, the following Local Law Number 7 of 2014 was adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

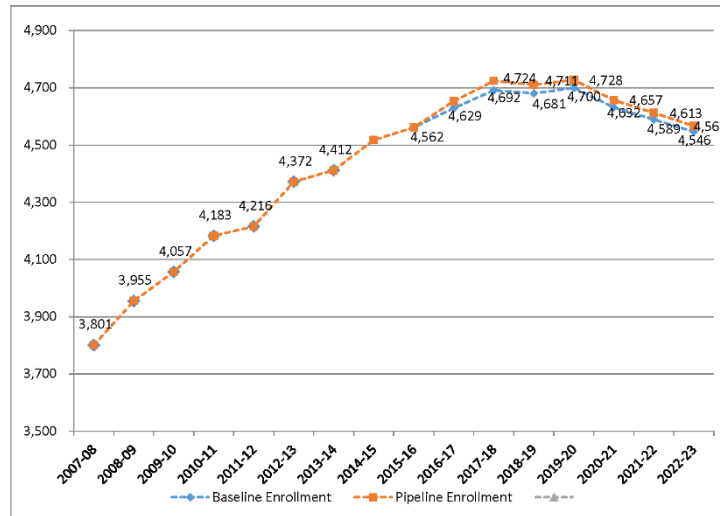
PRESENTATION

School Mitigation Study

The Port Chester Industrial Development Agency (PCIDA) has commissioned Urbanomics and BFJ Inc. to prepare a school children mitigation study quantifying the operating and capital costs

associated with adding additional children to the Port Chester School District from new residential development.

**PORT CHESTER PUBLIC SCHOOLS
OVERCROWDING AND MITIGATION ANALYSIS**



PHASE ONE REPORT

Prepared for
Village of Port Chester IDA

Submitted by Urbanomics, Inc.
November 10, 2014

Port Chester IDA School Mitigation Study

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Introduction

Unlike much of the rest of Westchester County, the Village of Port Chester has experienced a renaissance in recent years. In response, the new comprehensive plan and consequent zoning changes allow for higher density mixed-use development in strategic areas with the intent of creating additional economic opportunities. Several proposals have already been put forth and, as with any new residential development, there is concern that the already crowded school system will be stressed beyond capacity by additional children. To better understand and deal with this challenge, the Port Chester Industrial Development Agency (IDA) retained Urbanomics, Inc. and BFJ Planning to analyze the changing demographics and countervailing child generation rates of Port Chester and to develop a mechanism that allows the Village of Port Chester to accommodate new school children without excessively taxing existing residents.

The objective is to set in place a mechanism that is fair to existing and future property owners, that is relatively easy to administer and reasonable in terms of its economic impacts on developers and new property owners. The purpose of this mechanism is not to control growth, but to establish a funding mechanism that allows the Village to improve school conditions and that is also predictable and understandable for the developers and property owners.

The development of this mechanism followed a process of literature review, data collection and forecasting, definition of the costs of education and new school construction, development of the mitigation formula, as well as opportunities for the tool's implementation. A description and the results of this process follow.

Key Findings

- The number of public school children in Port Chester has continued to rise over the last decade unlike the surrounding municipalities in Westchester County due to demographic differences.
- The number of public school children will continue to increase through the 2019-20 school year before leveling off and beginning to decline.
- The capacity analysis prepared by Ross Haber and Associates for the Port Chester Rye School District showed a district-wide classroom deficit of 3 classrooms¹ in 2011
 - The elementary classroom deficit in the elementary peak year of 2016-2017 will be 6, excluding any potential new residential construction
 - The additional deficit due to projects in the pipeline is 2 classrooms
- Child generation rates in Port Chester are generally lower than State and Regional averages for studios and one-bedroom units, and higher than the averages for two or more bedroom units.
- Educational and operational (soft) costs per child are estimated at \$17,292
 - Minus government aid, the soft cost per child is \$13,723
- New Construction costs per child are estimated at \$35,000
 - Minus State Aid, the New Construction cost per child is \$18,370
- Applying the mitigation formula to projects in the pipeline at current unit mix yields:
 - 34 Children
 - \$1,091,257 in costs per child adjusted for State Aid
 - \$466,677 in soft/education costs
 - \$624,580 in hard/new construction costs

¹ Assumes an average class size of no more than 25 students.

Analysis of Existing Studies and Forecasts

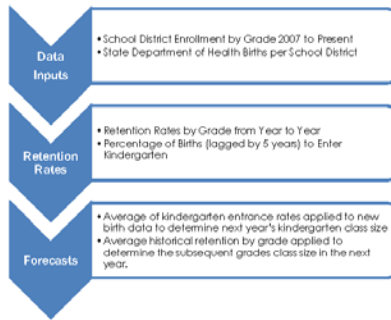
Urbanomics reviewed several existing studies and forecasts at the outset of the project to provide context. These studies included the Village of Port Chester Housing Study, which provided information on the predominant existing housing by type and income level of residents. The Village of Port Chester Comprehensive Plan and Comprehensive Plan EIS provided information on what future housing development will be like in the Village, in particular in the areas rezoned to higher densities.

The primary source for School District information was the Ross Haber Associates Enrollment Study prepared for the Port Chester Public Schools in June, 2011. This study included both a forecast of student enrollment to 2015 as well as a classroom capacity analysis of the District's elementary schools. The capacity analysis showed a district-wide classroom deficit of 3 classrooms in 2011, assuming a maximum class size of 25 students.

Data Collection and Preparation of Enrollment forecasts

The graphic to the right shows the progression of the School District Enrollment Forecasts. Historical data and assumptions for the enrollment forecasts are as follows:

- Births:
 - Historical births for all mothers residing in the Port Chester/Rye School District available from New York State Department of Health for 2000-2012; projected to 2017
 - K enrollment dependent upon annual births of 5 years prior to school year
 - Actuals for calendar years (CY) 2002 to 2007 (historical period school years (SY) 2007-08 to 2013-14)
 - Actuals for CYs 2008 to 2012 (projected period SYs 2014-15 to 2022-23)
- Total Enrollment:
 - Public School enrollment collected for mid-October from NYS Department of Education and the Port Chester Rye School District reports of all students on roll by grade.
- Survival Rates:
 - For grades K-12, forecast survival rates are computed as the average of six year historical survival rates.
 - All survival rates are applied to prior year and prior grade enrollment, with the exception of K grade levels for which survival rates are applied to corresponding row birth rates.
- Ungraded (Grades 13 and 14)
 - A ratio of special education students to regular students was computed on an historical basis by year of enrollment for K-12. The ratios were forecasted by a least squares linear regression to provide future school year percentages of special education students to be applied to the regular student forecast.
- Pending Development School Child Generation
 - All housing units proposed and under construction in the forecast period were obtained from the Village of Port Chester Department of Planning by tenure, building type, cost and unit size. The Port Chester Specific PUMS multipliers (as described in the following section) were applied to housing developments on a unit size basis.



Baseline Forecasts

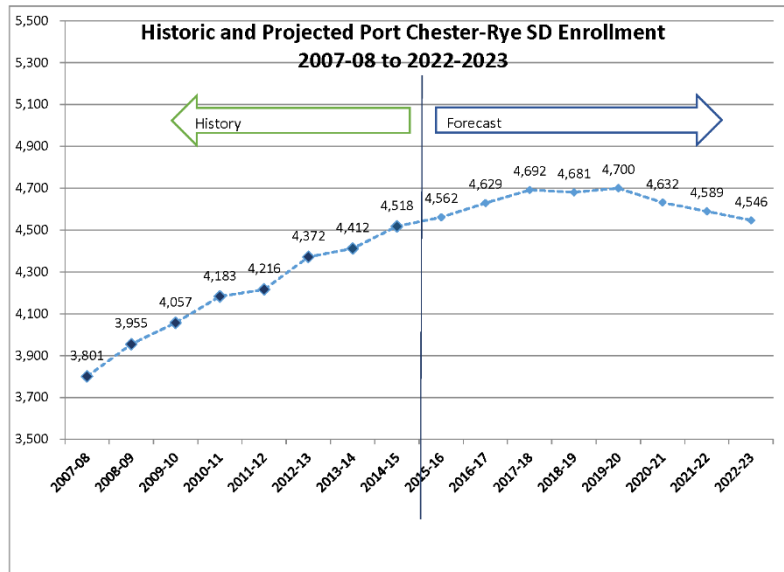
What follows is an image of the Cohort-Survival Forecast worksheet.

Cohort-Survival Enrollment Projection Worksheet

DISTRICT NAME: PORT CHESTER-RYE UFSD
 COUNTY: Westchester

School Year	Births 5 Yrs Age	K	1st Gr.	2nd Gr.	3rd Gr.	4th Gr.	5th Gr.	6th Gr.	7th Gr.	8th Gr.	9th Gr.	10th Gr.	11th Gr.	12th Gr.	Total	13th Gr.	14th Gr.	
HISTORIC DATA																		
2007-08	521	365	321	307	279	285	267	263	270	263	357	274	232	248	3801	91	1	
2008-09	552	370	361	330	307	284	293	291	263	253	348	300	273	295	3955	66	0	
2009-10	636	364	356	362	328	308	274	302	298	284	331	313	275	235	4057	46	1	
2010-11	529	363	349	351	365	321	312	285	300	298	310	325	277	268	4193	45	5	
2011-12	491	373	364	357	354	374	314	303	276	300	338	285	284	284	4218	19	11	
2012-13	500	380	380	361	362	347	367	307	302	283	372	313	281	292	4372	19	17	
2013-14	476	359	380	371	350	339	344	373	297	310	359	324	305	254	4412	23	14	
2014-15	607	356	360	367	351	346	337	352	382	297	418	297	312	290	4518	44	8	
Average Births Rate	0.703																	
PROJECTIONS																		
2015-16	475	337	357	369	361	349	344	344	344	353	382	373	375	280	295	4662	48	6
2016-17	484	343	338	355	353	359	346	351	345	352	480	334	353	265	4629	48	7	
2017-18	464	329	344	336	350	351	356	354	352	345	443	429	315	335	4692	47	7	
2018-19	460	326	330	343	331	347	348	364	354	351	433	395	405	298	4681	47	7	
2019-20	452	321	327	329	333	329	345	355	364	354	442	398	374	393	4700	46	7	
2020-21	445	316	322	326	323	335	327	352	356	354	445	395	385	354	4632	45	7	
2021-22	438	311	316	320	320	321	333	333	353	358	459	398	372	346	4589	44	7	
2022-2023	431	306	311	316	316	318	319	340	334	353	448	410	375	353	4546	43	7	

As shown in the preceding table and charted below, between 2007-08 and 2014-15 the number of public school children in the Port Chester Rye UFSD increased from 3,801 to 4,518 or by 18.9 percent (717 students) or by almost 2.7 percent each year.

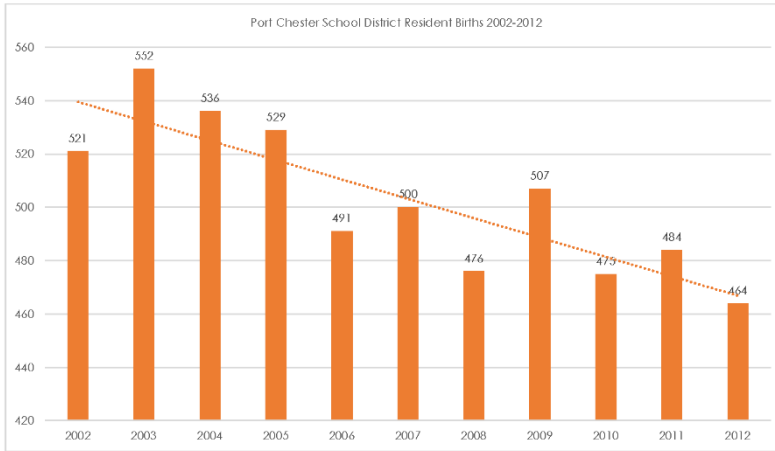


Source: Port Chester Rye UFSD, NYS Department of Health, Urbanomics

The number of public school children is expected to continue to rise through school year 2019-20, when it will peak at 4,700 students. This is an increase of 182 students or 4.0 percent over the 2014-15 school year. This increase averages to roughly 0.8 percent each year. After SY 2019-20, the number of school children enrolled in the Port Chester Rye UFSD will begin to slowly decrease.

Port Chester IDA School Mitigation Study

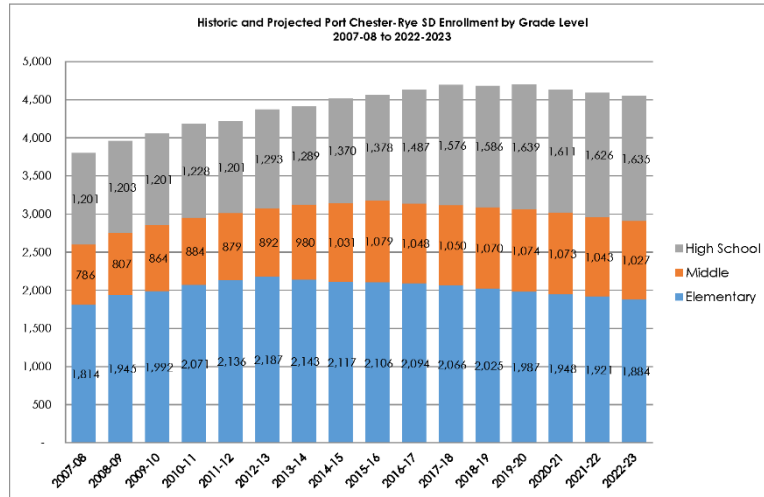
The relatively slower growth to 2019 and the subsequent decrease in the number of students will be due to an overall declining birth rate in the District. As shown in the chart to the right, the number of District births peaked in 2003 at 552 live births. These children entered public school in the 2008-2009 school year. The projection of births used to extend the enrollment forecasts to the year 2022-23 reflects this trend.



Source: New York State Department of Health

In terms of grade levels, the forecasts show that middle school enrollment will peak with 1,079 students in 2015-16 and high school enrollment will reach its peak for this forecast period in 2019-202 with 1,639 students. Elementary enrollment reached its peak in 2012-13 and will slowly decline throughout the forecast period as shown in the chart that follows.

Port Chester IDA School Mitigation Study



Source: Port Chester Rye UFS, NYS Department of Health, Urbanomics

It should be noted that these forecasts reflect only Public School Enrollment. Only 87 percent of Port Chester children ages 3-17 enrolled in school, attend public school. There are an additional 600 children who attend private school, who could potentially end up in the Public School System due to parochial school closures or changes in family economic circumstance.

This is further evidenced by the fact that the student retention rate between 8th and 9th grade increases to 1.257, demonstrating that many children enter the public school system for the first time as high school students, likely after attending parochial and other private elementary schools. One in every five 9th graders did not come through the public school feeder system. If the private schools were to close, the demand for space in the public schools would increase greatly.

School District Data

Urbanomics and two representatives of the Village Planning Department met with Superintendent Klisuz, Deputy Superintendents McAward and Fannelli and members of the School Board on July 10, 2014 to provide an overview of our scope of work and discuss current conditions and expectations of capacity demand. In addition, we discussed Urbanomics' assumptions for child generation and construction costs, as well as the preliminary baseline forecasts. The School District representatives were very receptive and forthcoming with adjustments based on current circumstances.

New information, by topic, included:

- Soft Costs: 2014-15 detailed budget
- Hard Costs: They are in the process of planning an addition to the middle school that will allow them to house the 300+ students for whom they are currently renting the Catholic school. Construction costs per the addition are estimated by their architect at \$350 psf. They are using the NYS standard for number of required sf per child.
- Child generation: In order to check the generation rates, the District provided an electronic copy of their enrollment by address for 2012. In particular, the Deputy Superintendents were particularly concerned about new developments such as the Mariner, which generated many more public school children than estimated.
- Forecasts: They had no qualms about the forecasting methodology, but had several suggestions for improvements.
 - o The students from the closed catholic school are already included in the enrollment totals and therefore I need to adjust the forecasts downward.
 - o Many Port Chester students take 5 years to finish high school. (They refer to it as Grade 14 in their records.) Another grade was added to the model.
 - o The numbers reported to the State, which Urbanomics had used for the historical record, have specific requirements and do not necessarily include the 2nd year seniors. Frank Fannelli will provide their historical enrollment, including Grade 14.

In addition, the District shared a data file listing all students enrolled in the District for the 2012 school year by address. This file was invaluable in allowing the testing of the various iterations of multipliers developed for the school mitigation formula as described in the following section.

A second briefing on this project was presented at the School District Liaison Meeting on November 4th, 2014. Maura McAward, Assistant Superintendent for Business attended this meeting and expressed concern about the soft cost assumptions; in subsequent days, she shared the official 2014-15 enrollment count and worked with Urbanomics to refine the cost assumptions.

Development of Mitigation Formula

It details the key components and assumptions used to create the Mitigation Formula spreadsheet as well as the current status of the project. The key components of the formula are the public school child multipliers and school costs per student. In preparing the analysis for the Village and the IDA, it is important to take into consideration the changes likely to occur not only in the short term from the children in the new developments, but also in the long term from the changing socioeconomic patterns in the Village. The child generation patterns of the new market rate housing will be different than that of the more affordable housing traditionally in Port Chester—so as current residents with children age in place and the area becomes more affluent, it is likely that the number of children may start to decline in Port Chester as it has throughout the majority of Westchester County.

PUMS Public School Child Multipliers

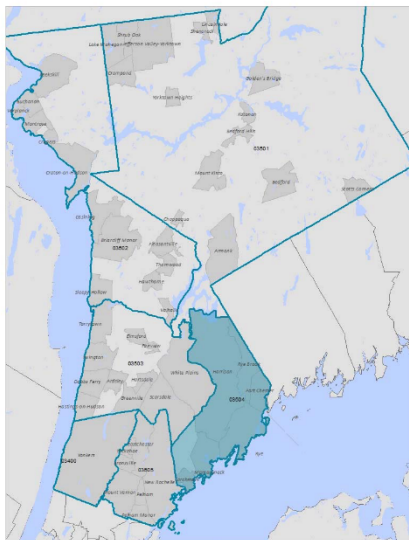
The child generation rate standard for developers is the New York State Multipliers prepared in 2006 by Drs. Robert Burchell and David Listokin for the Rutgers Center for Urban Policy Research. These multipliers are an excellent body of work based on the 2000 US Census 5% Sample Public Use Microdata (PUMS); however, as Urbanomics was told throughout the research process, "Port Chester is different." This holds true both economically and demographically and in terms of recent development patterns.

To prepare the best possible new public school child generation rates for the various cost levels, as well as tenure, structure and unit types of Port Chester, Urbanomics ran many iterations of cross-tabulations, including several other geographic areas as described below. However, the PUMA 3504 multipliers gave the best results.

Public Use Microdata Areas (PUMA)

- ❑ PUMA 3504:
 - ❑ Port Chester, Rye City, Rye Brook, Harrison, Mamaroneck
- ❑ Other Geographies:
 - ❑ Southern Westchester (PUMAs 3400, 3503, 3504, 3505)
 - ❑ All Westchester (PUMAs 3400, 3501 through 3505)
 - ❑ Southern Westchester excluding Yonkers (PUMAs 3503, 3504, 3505)
 - ❑ Westchester excluding Yonkers (PUMAs 3501 through 3505)

The public school child multipliers are based on the 2012 American Community Survey Microdata for the PUMA 3504 that includes Port Chester, Rye Brook, Rye, Mamaroneck and Harrison. While it is quite true that Port Chester is demographically quite different from the surrounding areas, new construction is likely to mirror that of the more affluent neighbors.



The final cross-tabulations² include the number of public school children 18 and under by tenure, structure type, number of bedrooms, by household income level of all units as meet the following definitions:

Tenure

- Own
- Rent

Structure type

- Single Family (single family attached, detached, mobile home, etc.)
- Townhouse (2-4 units in structure)
- 5+ units

Bedrooms:

- Studio
- One
- Two
- Three or more

Income level³

- Affordable (80% of median income or less)
- Workforce (80-120% of median income)
- Market (120% of median income or more)

Comparison of Port Chester Multipliers to Rutgers⁴

The resulting multipliers differ from the off-used Rutgers' 2006 estimates as highlighted in the table below. Generally, the customized multipliers yield greater numbers of public school children in Single-Family homes as well as in Multi-Unit structures with 2 or more bedrooms, but lower numbers in 1-bedroom units, regardless of tenure or structure type.

	Single Family Market Rate				Multi-Unit Market Rate			
	Renter		Owner		Renter		Owner	
	Formula	Rutgers	Formula	Rutgers	Formula	Rutgers	Formula	Rutgers
1 Bdrm ⁴	NA	NA	NA	NA	0.03	0.07	0.00	0.10
2 Bdrms	0.82	0.21	0.24	0.21	0.31	0.16	0.12	0.05
3+ Bdrms	1.85	0.50	0.65	0.50	1.47	0.63	0.61	0.49

Source: Urbanomics, Rutgers CUPR

Test Case: The Mariner

Because the Village of Port Chester is notably different from surrounding communities, it was desirable to test the multipliers, both Rutgers and the different geographic iterations of Urbanomics work, against a real case study. The best example was The Mariner—recent construction for which the unit mix as well as the number of school children enrolled in the Port Chester Rye UFSD was known.

² Other factors considered but discarded due to small sample size included year built and housing costs.
³ Income level was used instead of rents/values because programmatic designations are based on income.
⁴ The multiplier for 1 Bedroom Single Family Homes is because single family homes almost always have multiple bedrooms.

The school board provided data on students by place of residence for the 2013 school year that indicated that 15 students live in the Mariner, while they state that 18 students from that development registered for 2014-15—exceeding the developer's estimates based upon comparable structures and unit mix by almost 50%. While investigating why this could be, it was discovered that many of the units in the Mariner have rooms that are intended for use as dens, but are likely used by residents as additional bedrooms.

Given these conditions, a comparison was prepared using the Rutgers Multipliers as well as the Port Chester specific multipliers prepared for the Mitigation formula for the five geographic areas described previously. The multipliers were run against the stated building mix as well as the unit mix of occupied units as determined from the Mariner's website assuming that dens are being used as bedrooms.

Unit Mix

- Reported: 60 1-, 40 2-Bedroom
- Dens counted as Bedrooms: 35 1-, 52 2-Bedroom, 3 3-Bedrooms

Children in the Port Chester Rye SD

- Fifteen in 2013 (PCR SD enrollment data)
- Eighteen in 2014 (anecdotal enrollment from 7/10/14 meeting)

Public School Children Generated: Rutgers and PUMA Geographic Area multipliers						
	Rutgers	Port Chester Area PUMA (3504)	Southern Westchester (PUMAs 3400, 3503, 3504, 3505)	All Westchester (PUMAs 3400, 3501 through 3505)	Southern Westchester Minus Yonkers (PUMAs 3504, 3503, 3505)	Westchester Minus Yonkers (PUMAs 3501 through 3505)
Reported Unit Mix	11	14	6	5	6	6
Occupied Units (Dens counted as bedrooms)	13	21	9	8	9	8

Source: Urbanomics, Rutgers CUPR, ACS PUMS data, The Mariner development website

Using Rutgers statewide multipliers yields an estimate of between 11 and 13 students, an undercount of 2-4 students for the 2013 school year and 5-7 students for the 2014-15 school year. The Port Chester specific formula multipliers for PUMA 3504 alone project between 14 and 21 students, depending upon unit mix scenario—a much better fit to the actual reported number of students.⁵ The other Westchester-specific geographies grossly underestimated the number of students, regardless of unit mix assumptions and were therefore disregarded.

⁵ It should be noted that the Mariner's unit mix includes many 1-bedroom and 2-bedroom units with "dens"—effectively creating 2-bedroom and 3-bedroom units, respectively.

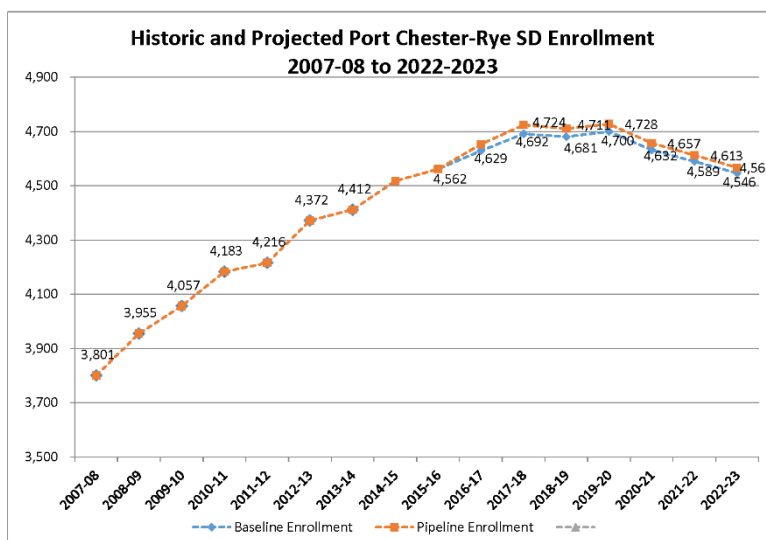
Pipeline Projects

The total number of units in the pipeline was provided by the Village of Port Chester Planning Department as shown in the table below. All of these units are market-rate rental housing in structures with 5 or more units. There are a total of 336 studios, 209 1-bedrooms, and 125 2-bedrooms. The Port Chester specific formula multipliers were then applied to determine the number of school children likely to be generated by each development.

	Unit Mix				Applied Multipliers				Total Children
	Studios	One Bedroom	Two Bedrooms	Three Bedrooms	Children in Studios (x 0.00)	Children in One Bedroom (x 0.03)	Children in Two Bedrooms (x 0.31)	Children in Three Bedrooms (x 1.47)	
United Hospital	300	100	100	0	0	3	31	0	34

Source: Village of Port Chester, Urbanomics, ACS PUMS data

Using the formula multipliers, the projects currently in the pipeline would yield 34 additional public school students⁶, effecting the school enrollment forecasts as shown in the chart below.



⁶ As an example of a single project, the United Hospitals development would yield 34 public school students, compared to the Rutgers-based estimate of 22.

Quantify Hard/Soft Costs

The next step in the developing the mitigation formula is to determine the education and new construction costs per student.

Urbanomics worked with Maura McAward, Assistant Superintendent for Business of the Port Chester-Rye Union Free School District to determine the share of operational costs that are applicable on a per student basis. A line item depiction of the 2014-15 school budget, with applicable costs is shown in the table below.

Budget Category	2014-2015 Budget	Applicable Items 2014-2015 Budget
Board of Education	\$64,469	
Central Administration	\$379,669	
Finance	\$898,989	
Legal Services	\$94,750	\$48,875
Public Information	\$53,250	
Operations of Plant	\$3,904,926	\$3,904,926
Maintenance of Plant	\$2,165,568	\$2,165,568
Other Central Services	\$130,832	
Insurance	\$92,721	\$36,954
Judgments and Claims	\$15,000	
Refund of Taxes	\$350,000	
Other Special Items	\$444,907	\$380,907
Curriculum and Development	\$399,799	
Supervision-Regular School	\$3,746,376	\$3,746,376
Instruction (Net of Supervision)	\$47,191,137	\$47,191,137
Other District Transportation	\$500	\$500
Contract Transportation	\$3,152,584	\$3,152,584
Community Service	\$27,000	\$27,000
Employee Benefits	\$21,070,727	\$17,277,996
Transfer to Special Aid	\$175,000	\$175,000
Transfer of Debt Service	\$3,962,074	
Other Transfers	\$100,000	

Total Budget	\$88,420,278	\$78,107,822
Total Enrollment (10-1-14)	4,518	4,518
Cost Per Student	\$19,571	\$17,288

Total State Aid	\$19,671,054	\$19,671,054
Minus High Tax Aid		\$845,434
Minus Building Aid		2,717,152
State Aid Per Student	\$4,354	\$3,565
Cost Per student, Net of Aid	\$15,217	\$13,723

Source: Port Chester-Rye UFSD Budget 2014-15

The final budget total was divided by the official count of students for that school year. The soft cost total per student was then reduced to reflect the share of costs supported by property taxes rather than Federal and State Aid, yielding soft costs of \$13,723 per student.

New Construction Costs

Given the results of the Haber report stating that the School District was already operating at a classroom deficit in 2011, as well as the knowledge, based on the information that the School District is currently planning an extension that would house the students for whom they are currently renting space, each additional child is estimated to require new construction.

New construction costs are based on the quote received from the School Board of \$350 psf for their new addition⁷ and State Building Aid Unit (BAU) requirements of a minimum of 100 sf per student in K-12 institutions. The new construction cost per student on this basis is \$35,000.

Estimating State Aid in construction is problematic. State reimbursement varies widely based upon a number of external and internal factors, some of which are impossible to quantify without a building plan. However, the School District has provided information that the current State reimbursement percentage for new construction stands at 55.9 percent of 85 percent of total construction costs. So, for a cost of \$35,000, reimbursement would apply to only \$29,750 of total costs and at 55.9%, reimbursement would stand at \$16,630.25. Following this logic, the construction cost per student minus state aid would be \$18,369.75.

⁷ This is slightly higher than the regional elementary average of \$216psf, but is in line with the State's assessment that school construction in Westchester County has a multiplier of 1.5618 (compared with 1.8414 in NYC and 1.0 statewide).

Mitigation Formula Results

Applying the school costs assumptions to the 34 children likely to be generated by developments in the pipeline, these additional students will result in \$587,797 in operating/soft expenses and, if new construction is required, some \$1.19 million in new construction costs.

Adjusting to reflect costs minus State and Federal Aid, the soft costs would total \$466,573 in soft cost mitigations and \$624,580 in construction costs or a grand total of \$1,091,153.

Spreadsheet Structure

The spreadsheet was designed so that it's best to enter the number of units by tenure, physical characteristics, and income level. However, if the income distribution is not available, one can enter the total units by number of bedrooms and get school child projection based solely on tenure, structure type, and number of bedrooms or even tenure and structure type alone.

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Ms. Goldie Solomon commented on not building any more residential because our schools are overloaded. Everybody who has children should be paying something for them to be in school. We have too much property off the tax rolls. Heather in Recreation did a fabulous job in Lyon Park with Santa in the Park. She does what two people did in the past.

Ms. Mendiceno asked if there was an update on the speed bumps around the High School. Police Chief Conway reported at the present time we can't do anything with asphalt because of the season. We are looking at prefabricated recycled speed humps. We have a single company in Spring Valley we are trying to get a price from. We have three quotes on the radar signs. They are solar. Ms. Mendiceno commented on the sewers and questioned if it is legal to impose a fee on residents of other communities. Residents of Rye Brook are getting billed. Mayor Pagano commented we are in conversations with the Village Manager of Rye Brook. Mr. Steers commented that Ms. Mendiceno should send him an e-mail requesting updates on the speed humps. Trustee Brakewood supports speed humps. This is a residential neighborhood and if speed indicators were set up it would make it feel like a highly trafficked area. The hump would physically slow people.

Ms. Bea Conetta commented on an admiration society between the Board and the staff. She read off naughty things that have happened in the last two years. Frist was the meter scandal; the robbery at the police station has not been resolved; the disgrace of our former police chief who has not been convicted of anything; the Condos are affecting our Board of Education; the Amnesty Program; the Sewer Rent fee. You raised the parking fees; you put parking meters in semi-residential neighborhoods; you allowed the Town of Rye to come into Port Chester and use our Village Hall and our Court; the Senior Center does not have enough parking since the Town of Rye has move in; the municipal center is a disaster waiting to happen; the Dog Park was approved and then changed. The best thing you've done has been to pick Chief Conway.

RESOLUTIONS

Mayor Pagano asked for a motion to consider an add-on resolution authorizing the commencement of proceedings under Article 19-A of the Real Property Actions and Proceedings Law with respect to property located at 23 Washington Street.

On motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

RESOLUTION (ADD-ON)

AUTHORIZING THE COMMENCEMENT OF PROCEEDINGS UNDER ARTICLE 19-A OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW WITH RESPECT TO PROPERTY LOCATED AT 23 WASHINGTON STREET

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Village of Port Chester had obtained a court order permitting the Village access to property located at 23 Washington Street to inspect, secure and change the locks at the vacant two-family dwelling to prevent trespassers from entering; and

WHEREAS, neither the record owner, who resides out of state, nor the mortgagee have taken any responsibility for the premises; and

WHEREAS, the current situation is unacceptable; and

WHEREAS, Article 19-A of the State Real Property Actions and Proceedings Law authorizes municipalities to take title to certain types of abandoned real property. Now, therefore, be it

RESOLVED, following the Building Department's satisfaction of the requisite requirements preparatory to bringing a special proceeding under Article 19-A of the General Municipal Law, the Mayor is directed to institute same in the name of the Village of Port Chester and/or Building Department seeking title to real property located at 23 Washington Street, Port Chester, also known and designated as Section 142.21, Block, 1, Lot 36, on the Tax Map of the Town of Rye.

Approved as to form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

RESOLUTION #2

COMMENCEMENT OF AN ACTION FOR THE RECOVERY OF AMOUNT OF BAIL BONDS FOR FORFEITED BAIL

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the

following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, in his capacity as the financial officer of the Village, the Village Manager is hereby authorized to commence civil actions, pursuant to Criminal Procedure Law, Section 540.20, against the following sureties, together with their bail agents, for the amounts specified in their respective bonds for forfeited bail:

<u>Name of Surety</u>	<u>Amount</u>
U.S. Specialty Insurance Co.	\$1,500 and \$2,500
Empire Bonding and Insurance Co.	\$2,500 and \$10,000

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

DISCUSSIONS

Booting and Towing

Mayor Pagano asked for a motion to set a Public Hearing to consider adopting a local law amending the Code of the Village of Port Chester with a new chapter, Chapter 302, Towing and Booting that would establish licensing requirements on those who wish to boot or tow motor vehicles from private property in the Village of Port Chester.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, the motion was adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

Walk of Fame Proposal - Beautification Commission

Ms. Taryn Grimes-Herbert reviewed the proposal of the Beautification Commission for the Walk of Fame, a collaboration with local businesses to promote events. This will be based on the Beale Street Walk of Fame. We will look for sponsors and will do some research on costs. We are looking for the Board's support to approach local businesses. In addition to having commercial sponsors we could also each year incorporate two or three Village historical markers.



Port Chester Beautification Commission Proposal

Sponsorship

- According to Time Magazine (July 16, 2013) each sponsor hoping to memorialize an artist on The Hollywood Walk of Fame pays a substantial fee and uses the unveiling to promote a movie release, or or relevant event.
- In our case, sponsors could include The Capitol and/or various companies who endorse or promote musical artists.

Example

- Beale Street Walk of Fame in Memphis honors artists by imbedding musical notes, engraved with names of accomplished musicians in the pavement.



Benefits

- Fees collected could be used to pay for the creation of The Walk of Fame, as well as other necessary improvements within the village.
- As the Village Walk of Fame grows the general appearance of downtown Port Chester could improve and the “walk of fame” would eventually create an interesting and free opportunity for visitors to stroll through the village and enjoy local businesses and restaurants.
- The unveiling of each square of pavement could help inspire positive public awareness of the Village of Port Chester.
- As each square is unveiled, media coverage could provide an opportunity for local businesses to advertise, and promote themselves.

Closing

- With permission from the Village Board of Trustees, The Beautification Commission would like to participate in any efforts made to bring this project to fruition.

CORRESPONDENCES

From Marvin Ravikoff regarding 26 Poinigo Street

The Board referred the correspondence to staff without objection.

Sewer Rent Appeal from Luis Angel-Lalanne 59 Windsor Road

The Board referred the correspondence to staff without objection.

From Brooksville Engine & Hose Co. No. 5 on the election of Dave Kravitz to active membership

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, The Board of Trustees accepted the election of Dave Kravitz as a member to Brooksville Engine & Hose Co. No. 5 with the Port Chester Fire Department.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

From Putnam Engine & Hose, Company No.2 on the election of Marco Aguilar and Jose Gonzalez to active membership.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, The Board of Trustees accepted the election of Marco Aguilar and Jose Gonzalez as a members to Putnam Engine & Hose, Company No.2 with the Port Chester Fire Department.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

From Putnam Engine & Hose, Company No. 2 regarding the expulsion of Michael Camoia.

The Board duly noted the correspondence.

From Moises Tenesaca regarding a permission come together and have a small parade Sunday the 28th of December 2014.

The Board referred the correspondence to staff without objection.

MINUTES

Mayor Pagano asked for a motion to combine the minutes of

November 3, 2014

December 1, 2014

December 3, 2014

December 8, 2014

for the purpose of casting one vote for the above listed minutes.

There being no objection TRUSTEE BRAKEWOOD, made a motion, seconded by TRUSTEE ADAMS, to combine the minutes of November 3, 2014 December 1, 2014, December 3, 2014 and December 8, 2014 of the agenda for the purpose of casting one vote for all the minutes.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the Board of Trustees accepted the minutes of November 3, 2014 December 1, 2014, December 3, 2014 and December 8, 2014.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

PUBLIC COMMENTS AND BOARD COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Public

Mr. Jim Black of the Dog Park group commented that we are waiting for a workshop with the Board of Trustees. Mayor Pagano commented that maybe a workshop is not necessary and that the issues can be solved at site. Trustee Marino commented everything has been done by the Dog Park group. Village Manager Steers commented we submitted a compromise to the original plan. Mr. Black said they agreed to a dog path 15 feet wide, which is an additional layer of protection for the children in the playground. Now the entrance has been moved to the pavilion. Mr. Steers commented he is agreeable to a meeting on site during the next week. Ms. Dina Goren commented that 75 feet of the 105 feet of the dog park is going to be unused because it is too close to the playground. The staff proposal is that the dog park would start 75 feet from the playground. Trustee Brakewood suggested that the DPW stake it out so the Trustees and the Dog Park group can view the different distances. The meeting has been set for January 3rd at 9:30 A.M. at Abendroth.

Board

Trustee Adams wished everyone a healthy and happy holiday. He thanked the Village staff for the fine job done throughout the year.

Trustee Brakewood wished everyone a happy holiday.

Trustee Marino wished everyone a happy holiday.

Trustee Kenner wished all a Merry Christmas and happy holidays.

Trustee Ceccarelli wished everyone a happy holiday. He thanked the staff and municipal services for the good job done during the year.

Mayor Pagano wished all a happy holiday.

At 10:14 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: December 15, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD JANUARY 5, 2015

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, January 5, 2015, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Saverio Terenzi, Luis Marino, and Gene Ceccarelli.

It should be noted that Trustee Joseph Kenner was absent.

It should be noted that Trustee Terenzi arrived at 6:12 p.m.

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager (arrived at 7:00 p.m.) Heather Krakowski, Recreation Supervisor; Edward Quinn, Village Fire Chief - Chief Engineer; Michael De Vittorio, 1st Assistant Fire Chief; and Enrico Castarella, 2nd Assistant Fire Chief.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI the meeting was declared opened at 6:05 p.m.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: January 5, 2014

MOTION FOR EXECUTIVE SESSION

Mayor Pagano asked for a motion to go in to an Executive Session to Discussion regarding:

Interview candidate for Planning Commission - Ciro Cuono.

Discussion with regard to prospective promotion to particular person to the rank of Lieutenant in the Police Department.

Village Manager Evaluation.

There being no objections, on motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the Board of Trustees adjourn to an executive session at 6:06 P.M.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: January 5, 2014

Also present for Executive Session item 1 and 2 were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas and Chief of Police, Richard Conway.

For Executive Session item 3 only Village Manager, Christopher Steers was present.

No action was taken in executive session.

At 6:53 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 5, 2014

INTRODUCTION OF NEW FIRE CHIEFS

Mayor Pagano introduced the new Fire Chiefs: Edward Quinn, Chief Engineer, Michael De Vittorio First Assistant Engineer and Enrico Castarella Second Assistant Engineer.

Chief Ed Quinn, after introducing the 1st Assistant and 2nd Assistant Engineers, commented the fire department is ready, willing and able to take on any type of job that comes down the pike. We are thankful for the support of the Board. In the Village there is a good working relationship between the Fire Department, Police Department and Code Enforcement.

Mayor Pagano thanked Past Chief McMinn for all the good work he has done. He congratulated the new chiefs.

DISCUSSIONS (was taken out of order)

Payroll Proposal Discussion

Village Manager Steers commented on discussions over the past few months. We had direction from the Board to seek out looking at Payroll companies. We interviewed four different companies: KVS/Springbrook, ADP, PayChecks, and EDI to see what they had to offer, how their system coordinated with us and various items they could do for us on an outsource basis. This would streamline the payroll process, save some time and energy in-house and give us real time accounting of time and leave, etc. We also took a look at the biometric payroll systems that were recommended. Individual systems are outsourced so these companies would have a second vendor. Staff recommendation is to utilize our existing relationship with KVS/Springbrook, as they have the same kind of software. It requires some updates. They have the same kind of versatility as all of the other submittals.

Village Treasurer Douglas commented that when you compare the services and yearly maintenance costs it seems more reasonable to stay with what we have. Time and attendance will be taken at department level. Where the system will be updated in the payroll department we will input that information. With the update, in DPW Rocky can now go on-line and put in the time worked or we could use a time clock. It will be constantly updated by department so Payroll will just have to deal with input to the system.

Trustee Terenzi commented that if someone swatches his time in and time out it takes all the work by the department head and guesswork out of it.

Mr. Frank Garguiolo, Senior Business Development Manager of KVS/Springbrook, gave an overview of the company. He said they are dedicated to local government. He proposed a full client services solution. They will convert an entire check history so personnel can track everything in one place. We do a daily backup. The Boards can receive reports remotely. This proposal is for payroll, human resources and on-line system which include self-service and applicant tracking. The Village currently uses KVS financial systems so they tie together. Leonie commented this is an upgrade. We haven't upgraded the payroll system for 10-12 years. Employees will be able to go on-line to download pay stubs and W2's. They also can do W4 forecasting. The employees can do time-off requests and an e-mail will go to their department head. The payroll information is automatically linked to Human Resources. The full payroll history will be included.

Ms. Douglas commented that each time-clock would cost \$157 per month.

Trustee Brakewood commented that our pilot could be talking to the seven other communities who are currently using the KVS biometric system. We will have an answer by the next Board meeting. Leonie will get back to the Board on the biometric system.

Capital Project Financing Discussion:

Village Treasurer Leonie Douglas commented that the Board approved for this year's Capital Project about \$4,009,400. We have some outstanding notes from the prior year. We need to go to market get the new money to know how we are going to handle the old money. We made a recommendation based on conversation with Ms. Ferguson of Capital Markets Advisers, LLC that the General Fund outstanding balance is \$3,495,650; we are suggesting for it to be Long Term. Then for our outstanding notes for the Sewer Fund borrowing of \$3,675,000 we are recommending for it to be Short Term notes. We have some scenarios to go through for the Board.

Ms. Ferguson commented the outstanding on the General Fund. Scenario I is bonding both the General Fund and Sewer Fund this year. Trustee Terenzi said when we set up the Sewer Fund we were going to ban everything for five years. His recommendation is to stick with the original program. Ms. Douglas commented the outstanding and the general debt for the General Fund will go long term and the Sewer will go short term. The short term is under 1%. The long term is about 2.3% in the current market. Ms. Ferguson commented it should not go above 3%.

Mayor Pagano asked for the recommendation for the resolution. Ms. Douglas replied that the Sewer Fund will remain short term and the General Fund will be long term.

Village Manager Steers commented the purpose of reviewing this is to clarify any questions that may come up.

Early Holiday Dismissal:

Mayor Pagano asked Village Manager Steers to put together an Early Dismissal Policy for holidays. He should make a recommendation to the Board.

PUBLIC COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Ms. Goldie Solomon commented wished the Board a healthy, happy new year. She thanked those who attended the Christmas concerts in the Port Chester Schools. The Sewer Rent should be added to the water bill, not separate. Our taxes are too high. Only those with children in school should be paying school tax.

Mr. Ceruzzi commented that in the past people used time clocks. This year we will have school issues. Do the Board and School Board talk things out? Mayor Pagano replied that they do meet and update each other. Mr. Ceruzzi commented on the Dog Park and it seems to be taking too much time to work out.

Bart Didden commented on what's happened during the last year. He commented on the large number of arrests made by our uniformed police. We should respect all our uniformed officials. We have a lot of rights and responsibilities. We should defend our officers. He suggested that we rally for some good and positive changes. He thanked all of the Port Chester uniformed services for the work they've done last year and for what they are going to do in the future.

Jim Black asked if the Dog Park was on tonight's agenda. Mayor Pagano said it is an add-on. Mr. Black commented on projects done in the past that have not gone according to plan. He was hoping on the Dog Park project that we could try it the way it was set up. If it doesn't work we fix it. If the fencing doesn't work we move it.

Heather Paul commented on the MTA. We have tried to improve the station. We are a third world railroad station. If you are disabled you cannot manage to get down the stairs. She commented on the Copacabana ad in a Westchester magazine advertising a bikini contest.

Ms. Dina Goren read the following statement:

As part of our ongoing discussions with the Village, the Port Chester Dog Park Group met at Abendroth Park on Saturday, January 3rd, with the Mayor, Trustee Ceccarelli, Trustee Marino, Trustee Adams, and Mr. Steers as well as other Village employees and members of the Parks Commission. The purpose of this meeting was to discuss proposed modifications the Village Staff is recommending be made to our site plan which was submitted by the Port Chester Dog Park Group last summer.

There are 5 major items the Village Staff wants changed to the current site plan. The Port Chester Dog Park Group responded to these changes in a letter dated November 25th, but would like to reiterate our responses to these points tonight:

Change #1:

Move entrance path to dog park from left park entrance gate to behind the Pavilion. We conceptually agreed to this as part of our compromise.

Change #2:

Create a LONG fenced-in pathway for people to walk their dogs ON-LEASH to get to the entrance to the Dog Park. We conceptually agreed to this as part of our compromise.

Change #3:

Add a potential Berm in front of the fencing along the on-leash pathway that is 4' x 1' in dimensions. We conceptually agreed to this as part of our compromise.

Change #4:

Add Shrubbery in front of the Berm along the on-leash pathway and extending around Dog Park. We conceptually agreed to this as part of our compromise. A Shrubbery buffer at parts of the fence was always part of our plan.

Change #5:

Have the on-leash walkway fence line be 60 feet from the Playground and the off-leash dog park start at 75 feet from the Playground. *[PCDPG offered a counter compromise in our Nov. 25th letter of having the leashed pathway start at 35 feet from the playground with the off-leash dog park starting at a 50 foot distance]*

On this point we would like to state that there is not a consistent 60-foot buffer available all along the proposed fenced-in pathway and the playground, so it is only the open field space (the area so valuable to the dog park) that is being subjected to this distance restriction in the proposed plan, not the full pathway.

While we have agreed to the above compromises we do want to point out that there are contradictions within these proposed changes and that they appear to have been made rather randomly with little thought to park design. As part of the review process, our group reached out for a 2nd professional opinion with a local landscape architect to review the proposed changes. At just a quick glance he raised concerns, such as the berm (as proposed) creating drainage issues in the playground area and the dog park. Or children being able to climb on the berm making the fencing less effective. He also asked whether fencing material might not help alleviate some of the safety concerns.

While we are certainly concerned about children's safety, there were so many other discussion points raised by Village representatives at Saturday's meeting making it clear that the other motivating factors are also driving the proposed changes. Here are some of the factors that were brought up at the meeting:

- There are future (unspecified) programming considerations
- Expansion of Pavilion rentals making the 60' buffer zone targeted for use as an informal play area.
- Starwood's project was mentioned as a potential source for more playground and park use.
- Disagreement that this location should be used for a dog park in general.

What was formerly an amicable relationship between PCDPG and the Village has surprisingly become contentious. We no longer feel that we are working together but are butting up against an intractable body that has no intention of addressing our needs and concerns. Had we known that this was going to be the case after working so hard to raise this money, we would never have started fundraising.

However, to move this project along, the group met, voted and agreed to what we now view as our 3rd compromise on the topic of fencing line distance from the playground. Although this was

not a unanimous vote, the group will agree to 45 feet from the fence line of the on-leash pathway to the playground resulting in a distance of 60 feet from the actual off-leash dog park to the playground.

As disappointing, frustrating and sad as this process has been, we still encourage people to get involved in community projects such as this one. What this experience has taught us is the community needs to bring more focus on the things that matter to us in order to improve our day-to-day lives. The only way to make this happen is to get involved.

Thank you.”

Ms. Bea Conetta commented that she asked Trustee Terenzi to remove her name from his vocabulary. She commented she is against the municipal center. She mentioned that the chief and twelve of our Village Policemen attended the funerals of the Officers Ramos and Liu in New York.

Mr. Richard Abel commented on the Village Election. The County has the offices of the Village listed at 10 Pearl Street. On the Dog Park issue there was a meeting of the Village Board and the Dog Park group. Mayor Pagano said this was set to clarify an issue.

Motion to Add-On a Discussion

Mayor Pagano asked for a motion to add-on a discussion on Dog Park.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 5, 2014

There was a meeting of the members of the Dog Park Group and this Board last weekend. Mayor Pagano made a promise to Dina, Linda and others to move this forward with no more time wasted. He is looking for substance where this Board can get an up or down vote on a plan. Dina suggested there were a number of compromised items. Mayor Pagano commented what is out there right now is a plan from the Village Manager. The plan that the Village staff is proposing should be put in the form of a resolution with the distances (referenced by the dog park group and what your plan says) and layout with lines on that plan. The resolution should be then put before the Board at the next meeting. Trustee Terenzi commented that the bullet points should include the PetSmart grant and any restrictions. Attorney Cerreto commented we will be talking to PetSmart before the next meeting. Attorney Cerreto commented the resolution should include the distances that Dina is proposing as a compromise. Mayor Pagano commented we are in agreement with everything but the distance. Trustee Brakewood commented he is concerned that it will be aesthetically pleasing. Village Manager Steers commented that once the resolution is passed, it will be professionally designed. Mayor Pagano commented that we also involve the Park Commission to the extent that their input is required. Trustee Ciccarelli would like to make clear the distance from the playground and pavilion is safe.

RESOLUTIONS

RESOLUTION #1

HOLIDAY PARTY 2014

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, on the initiative of the Village Manager, on December 12, 2014 the Village of Port Chester sponsored a Holiday Party for all Village officers, employees and members of the boards and commissions in appreciation of their hard work and dedication; and

WHEREAS, the expense of this event was completely funded by donations for this specific purpose made by a film company who did a shoot at Village Hall, members of the Port Chester Police Association, CSEA Local 1000, members of the Board of Trustees and management personnel; and

WHEREAS, such events instill a strong sense of morale and camaraderie and a good time was had by all. Now, therefore be it

RESOLVED, that the Board of Trustees duly accepts the generous contributions of \$4,730 to the Village of Port Chester for the 2014 Holiday Party, and authorizes the Village Treasurer to account for same in the Trust and Agency Fund and disburse as required.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 5, 2015.

RESOLUTION #2

AUTHORIZATION TO EXECUTE A RENEWAL AGREEMENT WITH WESTCHESTER COUNTY TO PARTICIPATE IN ITS' EMPLOYEE ASSISTANCE PROGRAM

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, Westchester County administers an Employee Assistance Program (EAP) for participating municipalities in the County; and

WHEREAS, such program offers municipal employees an opportunity to seek assistance with alcohol or substance abuse, family or social issues followed by a referral to appropriate community resources within the municipal insurance plan; and

WHEREAS, the Village of Port Chester has been a long-standing participant in the EAP which is utilized in the implementation of the Village's Drug-Free Workplace Policy; and

WHEREAS, the County has proffered a new renewal agreement for this service covering the period January 1, 2015 to December 31, 2019, at no change in rate, e.g. \$45 per employee. Now, therefore, be it

RESOLVED, that the Village Manager be and is authorized to enter into a Inter-Municipal Agreement with the County of Westchester for Employee Assistance Program services for the period of January 1, 2015 through December 31, 2019, at a fee of \$45 per employee; and be it also

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer to charge the Employee Assistance Program Benefit line 1.9060.813 in the General Fund for the each respective yearly cost.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 5, 2015.

RESOLUTION #3

**PROVIDING FOR THE VILLAGE ELECTION
TO BE CONDUCTED BY THE VILLAGE CLERK**

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the following resolution is adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, pursuant to New York State Election Law, Section 15-104(c), villages may adopt a resolution, subject to permissive referendum, providing that the village election be conducted by the county board of elections; and

WHEREAS, by resolution adopted on June 16, 2014, the Board of Trustees transferred the Village Election to the Westchester County Board of Elections; and

WHEREAS, the next Village Election will be in March 2015 solely for the office of Mayor; and.

WHEREAS, the County Board of Elections rejected the Village’s request prompting suit by the Village; and

WHEREAS, special counsel has reviewed the County’s legal papers; and

WHEREAS, upon the advice of counsel, the Board of Trustees does not desire to further litigate the matter; and

WHEREAS, the Village Clerk has assured the Board that he is taking all necessary and appropriate steps to conduct the 2015 Village Election as in the usual course. Now, therefore, be it

RESOLVED, that the resolution adopted on June 16, 2014 transferring the conduct of Village Election to the County of Westchester Board of Elections is hereby rescinded

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 5, 2015.

RESOLUTION #4

APPOINTMENT TO THE BOARD OF ETHICS

On motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that Bryan Diaz residing in Port Chester, New York, be and is hereby appointed as member of the Port Chester Board of Ethics, effective immediately, to serve at the pleasure of the Board of Trustees.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 5, 2015.

RESOLUTION #5

ACCEPTANCE OF COURT AUDIT FOR FY 2013-14 (Postponed to 1/20/2015)

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE TERENCE, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective governing boards; and

WHEREAS, the State of New York Chief Administrative Judge has requested a copy of the Village of Port Chester's most recent examination and audit of the Port Chester Justice Court's records and a copy of the Board of Trustees' resolution acknowledging that the required examination and audit was conducted, together with a copy of the audit; and

WHEREAS, the Village has retained Drescher Malecki LLP, Buffalo, New York, as independent auditors; and

WHEREAS, the Board of Trustees was presented with the Village's audit for the Fiscal Year 2013-14, including the Justice Court, and that same has been reviewed and is in order. Now, therefore, be it

RESOLVED, that the Village Board of Trustees acknowledges that the required audit was conducted of the Port Chester Justice Court for the fiscal year ending May 31, 2014 and hereby accepts said audit; and be it further

RESOLVED, that a certified copy of this resolution together with a copy of the audit for the aforesaid year be provided to the New York State Office of Court Administration pursuant to Section 2019-a of the Uniform Justice Court Act.

On motion of TRUSTEE TERENCE, seconded by TRUSTEE MARINO to **postpone** the vote on Resolution Number 5 to the January 20, 2015 meeting.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 5, 2015

RESOLUTION #6

AMENDMENT TO AGREEMENT WITH COUNTY OF WESTCHESTER WITH REGARD TO AWARD FOR ADDITIONAL FUNDING FOR SENIOR NUTRITION PROGRAM TITLE III-C

On motion of BRAKEWOOD, seconded by TRUSTEE MARINO, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, by letter dated September 24, 2014, the County of Westchester has advised the Village of Port Chester that it has been awarded an additional \$5,000 because of “over-performance” under the Title IIIC meal program for 2014; and

WHEREAS, such additional funding may be used to reimburse the Village for qualified expenses such as equipment and supplies, equipment maintenance and repair, purchase towards a vehicle used for the nutrition program and salary for nutrition program staff and other program support staff; and

WHEREAS, the Director of the Nutrition Program has provided the Board with an itemization of the expenses for which reimbursement will be sought under this award, now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement with the County of Westchester for the Older Americans Act and New York State Community Services for the Elderly Act, for Title III-C, so as to accept an additional \$5,000 in reimbursement to cover the programs provided by the Village of Port Chester for the period of January 1, 2014 through December 31, 2014.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 5, 2015.

REPORT OF THE VILLAGE CLERK

Village Clerk updated the Board on the upcoming Village Election with the following report.

“Candidate Package

I mailed a candidate election package to the two Chairmen which included:

Party Caucus Attendance

Certificate of Acceptance, Authorization and Nomination, Candidate Form - CF-02, CF-03 and CF-16 Board of Elections Disclosure Statement and Poll Watcher Certificate 2015

If anyone else would like to obtain a package please stop in at the Clerk’s Office or call us at 914-939-5202.

Voting Machines

I have been in contact with Ms. Bonnie Garone Chief Clerk / Nassau County Board of Elections regarding rental of the Voting Lever Machines for 2015 and 2016 Village Election. (I was notified today that a new Chief Clerk has been appointed and I expect to speak with her shortly.)

On December 30, 2014 the Agreement was e-mailed to Ms. Garone and I expect the agreement to be signed shortly. (2013 agreement was received around January 15, 2013)

In an E- Mail this afternoon I learned that “The contract is in process.”

As a backup I contacted the commissioners of Westchester County Board of Election requesting the use of Westchester County's Voting Lever Machines and received a letter giving me approval to use 20 Voting Lever Machines.

Voting Machine Mechanics

We were able to hire two election lever machine technicians one Democrat and one Republican. These gentleman worked on our 2013 election.

Movers

We have arranged for a moving company to help us move the voting machines to each district prior to and after Election Day.

We also arranged for the movers to move the Voting machines from Westchester County to our gym if needed.

Inspectors

We have sent out 215 letters to former inspectors regarding their availability to work as poll workers on Election Day, Wednesday, March 18, 2015.

As of today we have received a response from 75 inspectors of which 23 are bilingual.

Inspector Training

It is my goal to setup an inspector training class at the end of January.

Polling Places

I just want to remind voters that Village Election Polling locations will be the same as the November 2014 election.

Web Site

I am currently working on updating the Village Election website.

Ballot

The Ballot and the sample ballot will be finalized after February 13, 2015 when written specifications of objections to independent nominating petitions are received due in the Village Clerk's office.

Important Dates

Previously provided to the BOT

Tuesday	January 6, 2015 to January 13, 2015	First day political parties may publish notice of a party caucus in a newspaper (this date depends upon the date of the caucus).
Monday	January 12, 2015 to January 20, 2015	Last day to post and file notice of the party caucus in the office of the Village Clerk and County Board of Elections (this date depends upon the scheduled date of the caucus).
Tuesday	January 20, 2015	Earliest date for holding a party caucus.
Tuesday	January 27, 2015	Last date for holding a party caucus.
Thursday	January 29, 2015	Last day to file a certificate of party nomination.
Tuesday	February 3, 2015	First day to file an independent nominating petition.
Tuesday	February 10, 2015	Last day to file independent nominating petitions for an office to be filled at the general Village election.
Friday	March 6, 2015	Last day individuals may register with the County Board of Elections to be eligible to vote in the Village election.

Training

In preparation for the 2015 election, I attended NYCOM's 2014 Fall Training School on Conducting Village Elections."

REPORT OF THE VILLAGE ATTORNEY

Village Attorney Cerreto, presented the Board with a White Paper titled Distressed and Vacant Properties: Changing the Paradigm from a Tactical Threat to a Strategic Opportunity to Promote Economic Development and a Greater Quality of Life in the Village of Port Chester for consideration.

Mayor Pagano asked Attorney Cerreto to comment on the letter regarding Metro North. Village Attorney Cerreto commented on the requirement of MTA to put in an elevator at the Port Chester Train Station. Village Manager Steers said that MTA has been given the money to put in this elevator; they just did not use it right.

CORRESPONDENCES

From Poningo Properties LLC regarding Sewer Rent Appeal for 46 Poningo Street

The Board referred the correspondence to staff without objection.

From New Broad St LLC regarding Sewer Rent Appeal for 33 New Broad Street

The Board referred the correspondence to staff without objection.

From Laura Sandarciero regarding Sewer Rent Appeal for 9 Castle Landing.

The Board referred the correspondence to staff without objection.

From Mathew John, Jr. on his resignation from Board of Ethics.

The Board acknowledged the correspondence.

From Dwayne R. Edwards regarding his interest in joining the Port Chester Board of Ethics.

The Board referred the correspondence to the Village Clerk ask that he schedule Mr. Dwayne R. Edwards for an interview at the January 20, 2015 Board meeting.

PUBLIC COMMENTS AND BOARD COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Public

No public comments were made.

Board

Trustee Adams requested the schedule of meetings for January. The Board of Trustees regular meeting is scheduled for January 20th. There are hearing dates set for January 7th, 12th and 22nd. On January 27th the Board has a joint meeting with the IDA in the Conference Room. He thanked Village Clerk Richards on the Election preparation and he thanked Trustee Ciccarelli and the legal staff for work on the MTA issue.

Mayor Pagano commented that Trustee Kenner and Village Clerk Richards will be absent on January 12th.

Trustee Brakewood commented he would like an update on the Board's investment in digitizing all the Building Department records so they could be viewed on-line. We haven't heard anything on that in a while. He commented on the Neighborhood Revitalization. A special workshop should be set up for early February to select vendors.

Trustee Terenzi is happy with the financial progress made in the last few years. He is anxious to wrap up the bulkhead issue. He questioned who is responsible for the bulkhead. The other items are the Starwood proposal and the municipal center.

Trustee Marino commented on the fire department parking spaces at headquarters. Village Manager Steers commented we have to finalize the design on this and that will be done this week. Trustee Marino asked when we will receive a report on the municipal center. He asked the Mayor for an executive session to discuss firefighters, and requested the whole Board be present.

Trustee Ceccarelli commented on HUD and Mt. Kisco doing something for those who were not included in the Fair Housing Settlement. Attorney Cerreto said this is as much a legal issue as a municipal one. He asked whether we still have parking meters. Chris Ameigh commented there are still some meters on Abendroth, North Pearl and Adee Street. The others in isolated areas will remain. He mentioned the good work done by the Police Departments. A cop on the street has a minimal amount of time to make a decision. The officers in Port Chester did a fine job on capture in an armed robbery on King Street. He congratulated the four new officers who graduated from the academy on December 19th.

Mayor Pagano commented on parking meters. He would like a status on the parking for the Life Savers residents on Highland Street from 6 to 9 P.M. He received a call from a property owner on Midland Avenue questioning the effectiveness of the parking meters there. Are the meters paying for themselves?

Mayor Pagano read a statement that it was not an easy decision, but one he discussed with his family, that he will not be running for reelection as Mayor in the next election.

At 9:26 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE TERENCE, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 5, 2015

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD JANUARY 7, 2015

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Wednesday, January 7, 2015, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Saverio Terenzi, Luis Marino and Gene Ceccarelli.

It should be noted that Trustee Joseph Kenner was absent.

It should be noted that Trustee Brakewood arrived at 6:32 p.m.

Also present were: Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; member of Port Chester Police Department; Attorney Anthony Piscionere, (representing a member of Port Chester Police Department); Attorney Terry O'Neil and Attorney Emily E. Harper, Labor Councils.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI the meeting was declared opened at 6:31 p.m.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Brakewood and Kenner.

DATE: January 7, 2015

RESOLUTIONS

RESOLUTION #1

APPOINTING OF POLICE LIEUTENANT WITH THE VILLAGE OF PORT CHESTER

On motion of TRUSTEE MARINO, seconded by TRUSTEE ADAMS, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that Sergeant Anthony C. Scarlato, be and he hereby is promoted to Lieutenant with the Village of Port Chester Police Department.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 7, 2015

MEETING OF THE BOARD OF TRUSTEES IN THEIR CAPACITY AS A BOARD OF POLICE COMMISSIONERS

The Board of Trustees proposed a motion for executive session regarding a particular personnel matter.

MOTION FOR EXECUTIVE SESSION

Executive Session #1

At 6:34 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the Board adjourned into an executive session to consultation with Village Attorney regarding the continuation of the trial with regard to disciplinary charges brought against a member of the Port Chester Police Department pursuant to the provisions of Section 5711-q of the Unconsolidated Laws of the State of New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 7, 2015

Also present were: Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; member of Port Chester Police Department; Attorney Anthony Piscionere, (representing a member of Port Chester Police Department); Attorney Terry O'Neil and Attorney Emily E. Harper, Labor Councils.

No action was taken in executive session.

At 6:50 p.m., a motion to come out of executive session was made by TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 7, 2015

Executive Session #2

At 6:54 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the Board adjourned into an executive session to continue conducting the trial with regard to disciplinary charges brought against a member of the Port Chester Police Department pursuant to the provisions of Section 5711-q of the Unconsolidated Laws of the State of New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 7, 2015

Also present were: Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; member of Port Chester Police Department; Attorney Anthony Piscionere, (representing a member of Port Chester Police Department); Attorney Terry O'Neil and Attorney Emily E. Harper, Labor Councils.

Mayor Pagano asked for a motion to deny a motion to dismiss the disciplinary charges on the grounds that they are untimely.

On motion of TRUSTEE MARINO, seconded by TRUSTEE TEREZI, the motion to dismiss the disciplinary charges on the grounds that they are untimely is denied was adopted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 7, 2015

Mayor Pagano asked for a motion that we stay to the original plan, to separate the liability phase from the penalty phase.

On motion of TRUSTEE TEREZI, seconded by TRUSTEE CECCARELLI, the motion to stay to the original plan, to separate the liability phase from the penalty phase was adopted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 7, 2015

At 10:05 p.m., a motion to come out of executive session was made by TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 7, 2015

At 10:05 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: January 7, 2015

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD JANUARY 12, 2015

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, January 12, 2015, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Luis Marino and Gene Ceccarelli.

It should be noted that Trustees Terenzi and Kenner were absent.

Also present were: Deputy Village Clerk, Vita Sileo; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; member of Port Chester Police Department; Attorney Anthony Piscionere, Michael J. Konicoff, (Attorneys representing a member of Port Chester Police Department); Attorney Terry O'Neil and Attorney Emily E. Harper, Labor Councils.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the meeting was declared opened at 6:30 p.m.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: January 12, 2015

MOTION FOR EXECUTIVE SESSION

Executive Session #1

At 6:31 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the Board adjourned into an executive session to Consultation with Village Attorney regarding the continuation of the trial with regard to disciplinary charges brought against a member of the Port Chester Police Department pursuant to the provisions of Section 5711-q of the Unconsolidated Laws of the State of New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: January 12, 2015

Also present were: Deputy Village Clerk, Vita Sileo; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; member of Port Chester Police Department; Attorney Anthony Piscionere, Michael J. Konicoff, (Attorneys representing a member of Port Chester Police Department); Attorney Terry O'Neil and Attorney Emily E. Harper, Labor Councils.

No action was taken in executive session.

At 10:04 p.m., a motion to come out of executive session was made by TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: January 12, 2015

At 10:04 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: January 12, 2015

Respectfully submitted,

Janusz R. Richards
Village Clerk

**PUBLIC COMMENTS
AND
BOARD COMMENTS**

**PROPOSED MOTION
FOR
EXECUTIVE SESSION**